REVIEW OF CANADA'S SECOND REPORT
ON THE CONVENTION ON THE ELIMINATION OF ALL
FORMS OF DISCRIMINATION AGAINST WOMEN

by

the United Nations Committee on the Elimination of
Discrimination Against Women

NEW YORK

February 1, 1990

REPORT OF CANADA'S DELEGATION

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REVIEW OF CANADA'S SECOND REPORT ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

BY

THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

New York, February 1st, 1990

REPORT OF CANADA'S DELEGATION

Canada's second report on the Convention on the Elimination of All Forms of Discrimination against Women was reviewed by the United Nations Committee on the Elimination of Discrimination against Women at the United Nations Headquarters in New York on February 1, 1990, in the presence of a Canadian delegation. The delegation was led by Ambassador Yves Fortier, Permanent Representative of Canada to the United Nations in New York and Kay Stanley, Co-ordinator, Status of Women Canada, and was composed of federal and provincial officials (the full list of the members of the delegation is given in Annex 1, which also contains the list of members of the Committee on the Elimination of Discrimination against Women).

Canada's report was submitted in January 1988. It was reviewed two years later by the Committee on the Elimination of Discrimination against Women, which meets only once a year for a period of two weeks. Canada's first report was submitted in July 1983 and reviewed in January 1985. Canada ratified the Convention on December 10, 1981.

Procedures for the consideration of second periodic reports

According to the procedure applied by the Committee for the consideration of second periodic reports, issues and questions to be discussed with the representatives of Canada were identified in advance by a pre-session working group and forwarded to Canada's Permanent Mission in New York a few days before the meeting (attached as Annex 2). Canada was asked to prepare responses to these advance questions and to present them orally at the outset of the meeting with the Committee.

Members of the delegation met in New York at Canada's Permanent Mission to prepare the replies to the questions as well as the introductory statement.

Review of report

The meeting at which Canada's report was reviewed took place on Thursday morning, February 1, and lasted approximately three hours.

After declaring the meeting opened and expressing the view that the sizable Canadian delegation was an indication of the importance Canada gave to the Convention, the Chairperson of the Committee invited the representatives of Canada to introduce their remarks and respond to the questions submitted in advance by the Committee.

Ambassador Yves Fortier delivered the introductory statement and Kay Stanley, Co-ordinator, Status of Women Canada, presented the responses to the written questions. These documents are reproduced herein as annexes 3 and 4.

Copies of the Ambassador's speech were distributed to members of the Committee. The text of the replies to the written questions was also sent to the Committee after being edited. At the outset of the meeting, the Ambassador indicated that any question that could not be answered then would be dealt with in Canada's next report.

Oral exchange

Following the presentations by Canada's representatives, some 17 members of the Committee took the floor to express comments and raise further questions.

Members of the Committee made numerous positive comments on the comprehensiveness and quality of the report and its presentation by Canada's representatives. They extended congratulations to Canada for the statistics included in the report and for the fact that the reports were meant not only for the U.N. Committee but also for action in Canada. One member suggested that Canada should export its expertise in preparing reports to help developing countries prepare their own.

Members of the Committee commended Canada on its progress in the implementation of the Convention. As examples of progress made they noted, among other things, the more liberal approach taken by the Supreme Court of Canada, the fact that the number of women on the Court had been increased to three, the adoption of pay equity legislation, efforts to seek solutions to violence against women, concern for elderly women who are abused, legislative provisions against sexual harassment, the Court Challenges Program, and many programs adopted by provincial and territorial governments.

While commending Canada for progress to date, members of the Committee identified a number of areas where progress could be achieved, including the level of child-care support, the pending legislation on abortion, violence against women, the situation of elderly women, the wage gap between men and women, and the situation of aboriginal women.

With regard to the next report, the Committee made a few suggestions, including one to the effect that they would prefer a report in which the information was collected together under each article instead of being dealt with separately for each province. They also expressed views regarding the input of non-governmental organizations in the preparation of the report.

The National Action Committee on the Status of Women issued a document entitled "Parallel Report to the Second Report of Canada" in which it expressed its views on Canada's report and on a number of issues if concern.

An account of the review of Canada's report can be found in the report of the Committee on the Elimination of Discrimination against Women which is to be issued as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38). A mimeographed version of the report has been issued on February 8, 1990. The sections dealing with the review of Canada's report (paragraphs 410-436) are reproduced herein as Annex 5. A detailed account will also be contained in the summary record of the 167th meeting of the Committee (CEDAW/C/SR.167). This summary record is not yet available.

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Ninth session
New York, 22 January-2 February 1990

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Ms. Ryoko Akamatsu	Japan
Ms. Ana Maria Alfonsín de Fasán	Argentina
Ms. Desirée Bernard	Guyana
Ms. Carlota Bustelo Garcia del Real	Spain
Ms. Ivanka Corti	Italy
Ms. Hadja Assa Diallo Soumaré	Mali
Ms. Ruth Escobar	Brazil
Ms. Elizabeth Evatt	Australia
Ms. Grethe Fenger-Möller	Denmark
Ms. Norma Forde	Barbados
Ms. Aida González Martínez	Mexico
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Ms. Zagorka Ilić	Yugoslavia
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Ms. Kongit Sinegiorgis	Ethiopia
H.E. Ms. Mervat Tallawy	Egypt
Ms. Rose Ukeje	Nigeria
Ms. Kissem Walla-Tchangai	Togo

/...

GOVERNMENT REPRESENTATIVES

CANADA

Head of delegation

H.E. Mr. L. Yves Fortier, O.C., Q.C.
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Permanent Mission of Canada to the United Nations

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	Ms. Bethany Armstrong Counsellor Permanent Mission
	Ms. Helene Lafortune Counsellor Permanent Mission
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	Ms. Du Yong First Secretary Permanent Mission of the People's Republic of China to the United Nations, New York
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Other representative	Ms. Somaya Mohamed Saad Hassan Second Secretary Permanent Mission
GERMANY, FEDERAL REPUBLIC OF	
Head of delegation	H.E. Ms. Ursula Lehr Federal Minister for Youth, Family, Women and Health
Other representatives	H.E. State Secretary Marliese Dobberthien Free and Hanseatic City of Hamburg
	H.E. State Secretary Otti Geschka Commissioner of Land Hesse for Women's Affairs

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ANNEX 2

UNITED NATIONS NATIONS UNIES

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REFERENCE

24 January 1990

Sir,

The Committee on the Elimination of Discrimination against Women has adopted provisionally a procedure for the consideration of second and subsequent periodic reports submitted by States parties to the Convention on the Elimination of All Forms of Discrimination against Women under article 18 of the Convention under which the Committee identifies in advance the issues and questions which it wishes to discuss with the representatives of each State presenting a report.

The questions so identified for the second periodic report of Your Excellency's Government are reflected in the attached list of issues, which is transmitted at the request of the Committee. The list is not exhaustive and does not prevent members of the Committee from posing further questions in the course of the dialogue with the representatives.

It would assist the Committee in its work if you could prepare answers to these questions, and present them in the meeting on 1 February 1990, when the report of Your Excellency's Government is being considered.

Accept, Sir , the assurances of my highest consideration.

Elizabeth Evatt
Chairperson
Committee on the Elimination of
Discrimination against Women

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H.E. Mr. L. Yves Fortier
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
c/o Permanent Mission of Canada to the United Nations
New York

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Canada

General questions

1. More information, particularly for the period since 1986, is required about the work of some agencies, such as for example, the Office of the Prevention of Family Violence in Alberta, the Advisory Committee on Women's Education in New Brunswick, the Family Life Task Force in Nova Scotia, the Reproductive Health Program in Manitoba, and the Task Force on Day Care for Children in Quebec.

2. The statistical data reflected in the report generally end at 1985. More updated statistics are therefore required.

3. It would be helpful to the Committee if the information under each article was collected together, as was done in the first report instead of being dealt with separately for each Province. It is difficult to locate specific information in 10 different sections of the report.

4. Have non-governmental organizations had a role in preparing the report?

5. Have steps been taken to implement the recommendations of the Committee that the Convention be publicised?

Art. 2

1. Could the Committee be provided with reports or summaries of the principal decisions of the Supreme Court under the Charter which are relevant to the question of discrimination against women and to the interpretation of the Convention?

2. Do laws regarding human rights and equal opportunities equally apply to immigrant women, Indians and Eskimos?

3. The Committee would wish to be informed of the effect of Bill C-15, an Act to amend the Criminal Code and the Canada Evidence Act and the Secretariat on Child Sexual Abuse.

4. Has any institution or agency been established to examine new legislation to see if it is compatible with the Convention?

5. Is the proposed new legislation to make some abortions criminal compatible with article 2(g)?

Art. 3

1. Are any special programmes aimed at equal educational and cultural opportunities for Indian women?

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2. Are Indian women fully involved in the economic and political life of the country?

3. The report states that there are new guidelines for immigrant women who lose their sponsorship because of family violence. Could it be explained how family violence can affect the status of immigrant women?

Art. 4

1. What has been the effect of the affirmative action programme up to date?

2. Have the aims of the Women's Career Counselling and Referral Bureau of the Public Service been readily achieved?

Art. 5

1. Has Bill C-114 or similar legislation been reintroduced into Parliament and enacted?

2. What are the stereotyped attitudes that still constitute an obstacle to the advancement of women?

Art. 6

1. Has Bill C-15 dealing with juvenile prostitutes been enacted?

Art. 7

1. Has there been an overall increase in the percentage of women in Parliament, in the Government, in public office and in the judicial system since the first report?

2. Are there any plans to introduce a quota system in all political parties to ensure a minimum number of places for women in the legislature?

3. What has been the effect of the National Organisation of Immigrant and Visible Minority Women?

4. Do political parties have special programmes for the advancement of women?

Art. 8

1. What steps are being taken to implement CEDAW's recommendations nos. 8 and 10 (seventh and eighth sessions) to ensure better representation of women in international organizations?

Art. 10

1. Does the Federal Government actively encourage provincial governments to introduce special programmes to urge boys and girls to break away from stereotype choices of education and training? Can an overview of these programmes be provided?

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Art. 11

1. Under the new Pay Equity Act, jobs have to be reassessed to ensure equal pay for work of equal value. Will this involve gender neutral evaluation of jobs which are dominated by one sex, in accordance with the recommendations of the CEDAW Committee in 1989?

2. What are the actions taken by the Government and the trade unions to redress the situation that Canadian women earn only 65 per cent of male earnings?

3. What are the guidelines recommended by the Canadian Commission on Human Rights for establishing pay equity?

4. What is being done to increase the number of child care places? How many new places have been created since 1985 and how does this match the demand?

5. What are the wages and conditions of work of child care workers? Are they commensurate with the commitment and responsibility that is expected of them in providing quality care for children? If not, what is the Government's commitment to equal pay for work of equal value and the provision of quality care for children?

6. Have any legislative efforts been made since 1987 to improve the legal and material status of part time workers? Have the benefits of full time employees been extended to part time workers as recommended in "Towards Equality"?

7. What percentage of women contribute to schemes which will provide greater income security in their old age?

8. Regarding equal pay for work of equal value, how has the adjustment process in the federal sector been achieved through government initiative or through collective bargaining?

9. Has machinery been established to ensure that the principles of equal pay apply in the public service? Has equal pay been fully implemented in the public service?

Art. 12

1. What will be the impact of the new legislation concerning abortion on a woman's right to choose freely the number and spacing of her children under article 16? What are the consequences of this new legislation for the health of women?

2. Has there been any change in the availability of abortion services following the change in the law? Do women travel abroad for abortion?

3. Is there any information on maternal morbidity/mortality?

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4. Could you give figures on women infected by HIV and on women suffering from AIDS? Have any special programmes been designed? Is research being carried out as to the specific symptoms in women who have AIDS? Are there any specific programmes for women with HIV-infected relatives, for health workers (mostly women) and for children born with the infection?

Art. 13

1. What is being done to assist single-parent families? What measures are being taken to enforce child support and to provide training and child care for single mothers?

Art. 16

1. Is there any action to raise the minimum age of marriage in some of the provinces to make it the same for men and women?

2. Why is garnishing of wages for maintenance payments restricted to public servants?

3. What were the results of the 1983 intergovernmental working group on wife battering and have they been implemented?

4. Has there been an increase in the incidence of violence against women since the initial report?

5. What studies have been made about the causes of violence against women within the family?

6. Have any new programmes been introduced to combat such violence, or to provide assistance and protection to women who are victims of violence?

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ANNEX 3

CANADA

CHECK AGAINST DELIVERY
VERIFIER AU MOMENT DE L'ALLOCUTION

PRESS RELEASE NO. 1

Presentation of the Second Report of Canada to the Committee on the Elimination of Discrimination against Women

by
H.E. Mr. L. Yves Fortier, O.C., Q.C.
Permanent Representative of Canada
to the United Nations

New York, 1 February 1990

COMMUNIQUÉ DE PRESSE NO 1

Présentation du Deuxième Rapport du Canada au Comité pour l'élimination de la discrimination à l'égard des femmes

par
S.E. M. L. Yves Fortier, O.C., c.r.
Représentant permanent du Canada
auprès des Nations Unies

New York, le 1er février 1990

CANADIAN DELEGATION TO THE UNITED NATIONS

DELEGATION DU CANADA AUPRES DES NATIONS UNIES

It is my great pleasure to present Canada's second report under the Convention on the elimination of All Forms of Discrimination Against Women.

This report, which was forwarded to the Secretary-General in January 1988, covers the period from January 1983 to December 1986. My presentation this morning will also highlight some relevant activities which have further contributed to our implementation of the Convention since the compilation of our second report. I would also wish to remind the Committee that our next report will be due next year, at which time we will provide up to date statistical and other data.

As you review our report, it is important to recall that Canada is a federal state with 10 provinces and two territories. The Constitution Act of 1867 divided legislative authority between the Parliament of Canada and the provincial legislatures, giving such matters as education and health to the provinces -- and later the territories -- while retaining such matters as national defense and criminal justice and for federal jurisdiction. In areas such as employment and social services, responsibilities are shared. For this reason, our report and my opening remarks, make reference to measures taken by the federal, provincial and territorial governments.

As well, it is important to note that Canada has an extensive network of non-governmental organizations, a large number of which focus on the diverse interests of the women of Canada. These groups represent a broad constituency of women from coast to coast. In a country which is as diverse culturally and socially as it is geographically, the participation of such groups in furthering the economic, social, cultural and political position of women is of paramount importance. We consider these groups to be a vital component of our national machinery for the advancement of women.

Madam Chairperson, while we in Canada are proud of the measures we have taken to advance the position of women, we are not complacent. All levels of government realize that much work remains to be done. Our commitment as signatory to the Convention on the Elimination of All Forms of Discrimination Against Women, is a reflection of the priority accorded to all dimensions of gender equality in our domestic political agenda. Accordingly the Government of Canada has undertaken special communications activities related to CEDAW, including wide distribution of our second report, and special efforts to mark the 10th anniversary of the Convention.

Let me turn now to a discussion of some of the concrete measures taken within our country since January 1985.

Canadian Charter of Rights and Freedoms

As outlined in our first report, the Canadian Charter of Rights and Freedoms is one of the main sources of protection against discrimination in Canada. Section 15 of the Charter, which came into effect in 1985, guarantees every individual equality before and under the law, without discrimination on a number of grounds, including gender. It enables any person in Canada to challenge legislation, policies and practices of federal or provincial governments if they are perceived to be discriminatory. In addition, a reinforcement of the guarantee of gender equality is provided by Section 28 of the Charter, which states that all rights and freedoms in the Charter are guaranteed equally to men and women.

In three years of litigation based on the Charter's equality provisions, there have been approximately 50 cases which have cited gender as a ground of discrimination. The decisions following from these cases have resulted in some significant practical advances for women. Furthermore, a general point of interpretation has established that Section 15 precludes systemic as well as intentional or direct discrimination.

Recent rulings of the Supreme Court of Canada have also emphasized the relevance of international agreements to the interpretation of the Charter. Indeed, there have been almost 100 Charter cases in which reference has been made to international law -- including several that refer to the Convention.

Madame Chairperson, I would also like to inform the Committee that the government of Canada has established a national Court Challenges Program to provide funding to allow non-profit groups or individuals to take test cases to court which will clarify and advance equality rights and language rights as guaranteed in Canada's Constitution. Under sections 15, 27 and 28 of the Charter, the program has provided funding for women in conflict with the law. It also assists women immigrants, native women, women with a psychiatric disability and women in prison. This unique federally-funded program is widely supported since it provides tangible help to such individuals to seek some form of redress.

The existence of the Canadian Charter of Rights and Freedoms also precipitated a review of federal, provincial and territorial legislation in order to ensure compliance with the Charter. Where laws have contravened the fundamental principles of the Charter, governments have acted to ensure compliance. As indicated in our report, this has resulted in several positive legislative changes.

Despite the fact that the Charter provides the framework for challenging existing laws and practices, we are well aware that the process of dismantling systemic discrimination is long and complex. Yet we remain confident that the provisions of the Charter are making an important contribution to the promotion of women's equality in Canada.

We consider that the steps taken so far are a sound demonstration of our willingness to ensure the implementations of principles in accordance with the Convention.

Anti-Discrimination Legislation

The second main form of protection against discrimination in Canada is found in federal, provincial and territorial human rights legislation. As outlined in our report, these human rights acts and codes are key to the implementation of the Convention in that they prohibit discrimination on a variety of grounds -- including gender -- with regard to matters of employment, the provision of services, and the availability of access and usage of commercial premises and/or residential accommodation.

In recent years, the Supreme Court of Canada has taken the position that such legislation requires a broad and liberal interpretation in order to further the objective of promoting the equality and dignity of individuals. Such an interpretation has led the Supreme Court to hold that the prohibition of discrimination on the basis of gender in human rights legislation rightfully extends to sexual harassment, and to discrimination on the basis of pregnancy. Furthermore, it is interesting to note that one province has had its own legislation on sexual harrassment and pregnancy since 1982. This broad interpretation of human rights legislation is laying the groundwork for altering the conditions under which women suffer the effect of profound social and legal inequities.

In addition to these broad legal and constitutional mechanisms for redressing discrimination against women, a variety of measures have been undertaken aimed at giving women equal opportunities with men to participate fully in all facets of contemporary Canadian life.

For example, as indicated in our report, amendments to the Indian Act passed in 1985 began the process of removing a number of discriminatory provisions affecting Indian women. Since then, additional funding has been allocated in relation to pressing needs which have resulted from the changes to the Act, such as the processing of applications for reinstated status, housing needs on reserves, and related health and social concerns. In addition, a working group on Aboriginal Women and Economic Development is preparing a plan of action to address the economic needs of Aboriginal women. This plan will complement the Canadian Aboriginal Economic Development Strategy. As would be expected, non-governmental Aboriginal women's associations have been key participants with the federal government in the development of this action plan.

Employment Issues

Madame Chairperson, nearly 60 per cent of all women in Canada participate in the paid labour market and this, in turn, represented 44% of the total labour force in 1988 as compared to one-third in 1970. However, we continue to be concerned about the high concentration of women in certain sectors of the labour force. We also remain concerned about the persistent and significant disparity between the wages earned by women and those earned by men.

As outlined in our report, a number of special measures have been undertaken to redress women's inequality in the Canadian workplace.

For example, the Employment Equity Act, proclaimed into law in 1986, requires all federally regulated employers and Crown Corporations with 100 or more employees, to report on their efforts to redress systemic discrimination against four target groups: women, disabled persons, Aboriginal peoples, and members of visible minorities. Our next report to this Committee will reflect the results of a comprehensive review of the provisions and operations of this Act.

To address the wage gap between women and men in Canada, the federal government, seven provinces and one territory have undertaken initiatives towards the implementation of pay equity, often called comparable worth or equal pay for work of equal value. Within the last two years, six jurisdictions have moved in this direction -- and all but one have taken a legislative approach.

One of the precursors to equal opportunities in employment for women in Canada is improved access to quality education and training. Towards that objective, a Framework for Training for Women was endorsed in 1986 by the federal and provincial governments. The Framework focuses on the need to change attitudes through public education aimed at eradicating stereotypical attitudes about women's role in the work place. It also includes a plan of action, involving both levels of government, to improve and increase women's access to educational and training programs. All jurisdictions regularly report on progress being made in these key areas.

Work and Family Responsibilities

Madame Chairperson, in Canada, the increase in women's participation in the labour force clearly signals the need for us to be more responsive to the changing relationship between work and family responsibilities. Efforts are currently under way at federal, provincial and territorial levels to develop comprehensive strategies in this regard.

Initiatives under federal, provincial and territorial jurisdictions that have been undertaken in this area include: the implementation of provisions for maternity and parental leave and benefits; enhancement of family support services; and flexible working arrangements for government employees.

Child care is recognized as a priority by all jurisdictions. The National Strategy includes federal contributions under the Canada Assistance Plan toward provincial expenditures on child care. As well, the National Strategy on Child Care, announced in December 1987 enhanced the tax assistance available to families with young children, and also established a $100 million Child Care Initiatives Fund to encourage the development of innovative solutions to child care issues. Special priority is being given by this Fund to practical proposals designed to address the needs of specific groups of children, including aboriginal children, children with disabilities, and children in rural areas and ethnic communities.

Women in Public Life

Madame Chairperson, forty women now serve as Members of Parliament in our 295-member House of Commons as compared to 16 in 1982. Six women have been appointed to the federal cabinet. Last year saw the first woman elected leader of a national political party in Canada, joining the five women who are leaders of provincial political parties.

Furthermore, over 30 per cent of the appointments made to federal government boards, agencies and commissions since 1984 have been women. Three women now serve on our nine-member Supreme Court as compared to one in 1987, and increasing numbers of women are being appointed to lower courts.

Women's Health

With respect to women's health, working groups concerned with reproductive health, mental health and chronic disease and disability have jointly been established by the federal, provincial and territorial governments to examine these issues.

Undoubtedly, among the most complex and contentious issues related to women's health are those of abortion and reproductive health. In January 1988, the Supreme Court struck down Canada's existing law governing therapeutic abortions, holding that its provisions were a breach of the right to security of the person, as stated in Section 7 of the Canadian Charter of Rights and Freedoms. New legislation related to abortion was recently tabled in Parliament. The proposed legislation establishes that abortion is a medical decision -- one to be made between a woman and her doctor -- based on broadly defined health grounds.

The entire area of reproductive health is also being affected by recent developments related to reproductive technology. The government of Canada is exploring related issues through the recent formation of a Royal Commission of Inquiry into New Reproductive Technologies, which is to recommend relevant policies and safeguards.

Family Violence

Madam Chairperson, one of the most widely discussed and troubling issues facing our country is the tragic and continuing problem of violence against women and children.

The underlying phenomenon of violence against women was horribly underlined to Canadians by the tragic killing, last December, of 14 women in l'Ecole Polytechnique of the University of Montreal.

In June 1988, the federal government announced new measures aimed at family violence, which focus on immediate needs, as well as the necessity of developing a long-term national approach to the problem. Between 1988 and 1992, $40 million have been allocated to prevention and protection mechanisms in the area of family violence. The federal government has also been working closely with the provinces, territories and the non-governmental sector on the development of a comprehensive national strategy, which is expected to be completed this year. Also, in 1989, one province allocated $42.0 million for dealing with the problem of wife assault. In this regard, close cooperation between private and public sectors has resulted in a successful ongoing endeavour.

Conclusion

Madame Chairperson, Canada is proud to be a signatory to the United Nations Convention on the Elimination of all Forms of Discrimination Against Women. We recognize the Convention as the primary international legal instrument which sets out the basic standards to achieve equality for women. At the time of ratification in 1981, we recommitted ourselves nationally and internationally to eradicating discrimination against women in all its forms.

In presenting this, our second report on Canada's implementation of the Convention, we realize and acknowledge that more needs to be done -- that there are important objectives still to be met. In this context, I wish to highlight the priority that Canada accords to economic self-sufficiency as being fundamental to the elimination of discrimination against women.

Finally, I want to assure the Committee that Canada will continue to strive towards the elimination of obstacles that prevent women from achieving their full potential as participants in, and contributors to society.

In closing, Madame Chairperson, I am pleased to inform the Committee that the head of our national machinery, provincial representatives, as well as federal government officials are at your disposal to respond to your questions. Allow me now to introduce Ms. Kay Stanley, Coordinator, Status of Women Canada, who will address some of the questions raised by the Committee.

Thank you.

ANNEX 4

REVIEW OF CANADA'S SECOND REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Responses by Canada to the Written Questions Posed by the Committee on the Elimination of Discrimination Against Women

United Nations
New York
February 1, 1990

INTRODUCTION

A main focus of the U.N. Committee on the Elimination of Discrimination Against Women in reviewing Canada's progress in implementing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was the information contained in our second CEDAW report. The report, which was forwarded to the United Nations in January 1988, covers the period from January 1983 to December 1986. It includes information on the initiatives to implement the Convention which have been undertaken by federal, provincial and territorial governments since our first report was prepared in 1983.

The following questions are based on the information in our second report and were provided to the Canadian delegation several days in advance of our appearance before the Committee on February 1, 1990. Oral responses to the questions were made at that time and the following written response has since been provided to the Chairperson of the Committee. Paragraph numbers in the questions refer to the paragraphs in our second report.

GENERAL QUESTIONS

1. More information, particularly for the period since 1986, is required about the work of some agencies, such as for example, the Office of the Prevention of Family Violence in Alberta, the Advisory Committee on Women's Education in New Brunswick, the Family Life Task Force in Nova Scotia, the Reproductive Health Program in Manitoba, and the Task Force on Day Care for Children in Quebec.

Response:

ALBERTA (para. 195-196)

The Office for the Prevention of Family Violence provides support and leadership in developing an effective approach to the problem of family violence in Alberta. The Office has coordinated a number of initiatives in recent years:

- a public awareness campaign on child abuse and elder abuse;
- the production of a brochure on wife abuse for immigrant women, available in simple English, Chinese, Vietnamese, Spanish and Polish;
- a conference on elder abuse;
- a fund for community initiatives;
- a federal/provincial northern research project to respond to the particular needs in rural and Native communities;

- the First National Victims Services Conference;
- a treatment program for batterers; and
- the funding of 14 women's emergency shelters, six satellite shelters and one second stage housing project.

NEW BRUNSWICK (para. 281)

The Advisory Committee on Women's Issues in Education established by the New Brunswick Department of Education has both a francophone section and an anglophone section.

The Study Bursary program intended to encourage women teachers to work towards a New Brunswick Principal's Certificate is in the final year of its three-year program. Approximately 90 teachers have benefited from this program.

The Advisory Committee has membership from school trustees, universities, teachers' unions and school boards. New Brunswick women have responded with interest to the government invitation to nominate themselves as members-at-large.

The Advisory Committee has given Women in Leadership Seminars to encourage women to seek career advancement in the field of education and has sponsored activities in the schools. It has established a policy for sex equity in the schools for students and teachers and other policies on human rights. Its policy on all-inclusive language has now become a policy for all government departments in New Brunswick.

NOVA SCOTIA (para. 340)

The Family Life Task Force, appointed in 1984, has developed a curriculum encompassing family life/family studies appropriate for students in grades 7, 8 and 9 (ages 12-15).

The program, taught in a co-educational setting, will become compulsory for all students by September 1990. It has five components: Self, Feelings, Relationships, Career Planning and Human Growth and Development.

It includes specific sections on stereotyping, prejudice and discrimination, sexual attitudes, exploitation, career and lifestyle exploration and family conflict.

It is presently being offered in most of the schools across the province.

Parents are involved from the onset through parent meetings prior to the commencement of the program. Parental feedback is encouraged at all times.

The program has received positive responses from students, teachers and parents.

MANITOBA (para. 248)

As noted in paragraph 248 of our report, the Reproductive Health Promotion program continues to be a high priority of the Women's Directorate.

QUEBEC (Para 524)

On December 3, 1986, the Quebec Executive Council set up an advisory committee on day-care services in this province. The concrete results of the committee's work are as follows:

- A policy proposal on day-care services (November 1988);
- A parliamentary committee on the subject (February-March 1989);
- The sanction of a new Act to amend the Act Respecting Child Day-Care (May 15, 1988);
- The provision of specific budgets during the next three years (over and above the budget provided for in the policy) for the purpose of training staff from the entire day-care network.
- On June 28, 1989, the Office des services de garde à l'enfance du Québec registered 46,216 spaces in 847 day-care services in homes and in centres, and 24,311 spaces in 681 day-care services in schools.

2. The statistical data reflected in the report generally end at 1985. More updated statistics are therefore required. (para. 19-70)

Response:

The statistical information was the most up-to-date available at the time our report was prepared. Canada's comprehensive analysis on women entitled Women in Canada, published in 1985, has been extensively updated and publication is planned for mid-February. A copy will be provided to the Committee and updated statistics will form a major part of our next report which will be presented in 1991.

3. It would be helpful to the Committee if the information under each article was collected together, as was done in the first report, instead of being dealt with separately for each province. It is difficult to locate specific information in 10 different sections of the report.

Response:

We have taken note of this request for the preparation of future reports. It should be noted that the approach taken by Canada in the presentation of its

reports reflects the federal nature of our government as defined in our Constitution. Provincial and Territorial governments, along with the federal government, are the competent legislative authorities involved in the implementation of the Convention and it was felt that the format used for our second report was the best way of reporting on their respective efforts.

4. Have non-governmental organizations had a role in preparing the report?

Response:

Governments in Canada are in regular contact with non-governmental organizations. In fact, NGOs are an integral part of Canada's national machinery for the advancement of women. We distribute our reports to them and encourage them to become acquainted with the measures taken to implement the Convention.

More importantly we encourage NGOs to foster full implementation of the Convention and to support governments' efforts toward that objective. The views of NGOs are consequently taken into consideration.

5. Have steps been taken to implement the recommendations of the Committee that the Convention be publicized?

Response:

The text of the Convention was first printed and widely distributed in 1980 shortly after its adoption by the U.N. General Assembly. It has subsequently been reprinted for continuing distribution. The text of the Convention is appended to Canada's reports on the Convention which are also extensively distributed in Canada. A copy of the Convention is also part of the "Forward from Nairobi" Workshop Kit prepared and distributed in relation to the Nairobi Forward-looking Strategies (FLS). The Convention is also described in the Fact Sheets on Canada's implementation of the FLS which are updated every two years.

The Department of the Secretary of State funds projects by women's groups for numerous activities including studies and public education on the Convention.

The Federal Minister Responsible for the Status of Women spoke in the House of Commons December 18, 1989 to mark the tenth anniversary of the adoption of the Convention. To further mark the anniversary Canada has undertaken to distribute copies of the kit on Women and the Convention prepared by the U.N. Department of Public Information.

ARTICLE 2

1. Could the Committee be provided with reports or summaries of the principal decisions of the Supreme Court under the Charter which are relevant to the question of discrimination against women and to the interpretation of the Convention? (paras 3-8)

Response:

(1) Section 15 of the Charter

The Supreme Court of Canada has decided two cases on section 15(1) of the Charter, which provides as follows:

- Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

In neither of these cases was sex the challenged ground of differentiation. Nevertheless, some important general points of interpretation were made in these cases, which are relevant to the application of CEDAW.

First, the Supreme Court of Canada has stated that section 15 should be interpreted to preclude systemic or indirect discrimination as well as direct discrimination. Since the Convention has as its aim the elimination of "all forms" of discrimination against women, and furthermore, since much of modern day discrimination is systemic in nature, this is a particularly significant point in the present context.

Second, the Supreme Court of Canada has held that the scope of section 15 is not confined to the grounds expressly enumerated therein, such as sex. Rather, it can be extended to analogous grounds - in particular, to other personal characteristics, especially where they are associated with a situation of disadvantage. There are already several cases in the lower courts that have held that marital and family status come within the scope of section 15, even though they are not expressly enumerated therein. This assures implementation of Article 1 of the Convention, which prohibits discrimination against women on the basis of their marital status.

There have so far been about 50 lower court cases on section 15 concerning sex as a basis of discrimination. For example, an exception in the Ontario Human Rights Code to the rule against discrimination on the basis of sex in the context of sports activities was held to infringe section 15 of the Charter.

(2) Section 7 of the Charter

The Government of Canada would also like to stress to the Committee that it is not just section 15 of the Charter that may be of assistance to women in protecting their interests. For example, section 7 of the Charter guarantees "the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." This provision was relied upon by the Supreme Court of Canada to strike down the therapeutic abortion provisions of the Criminal Code. In the view of the Supreme Court, the delays in obtaining abortions, and also the inequality in access to abortions that resulted from the operation of these provisions involved a breach of section 7.

(3) Relevance of the Convention to interpreting the Charter

As indicated in Canada's second report, conventions that Canada has ratified do not automatically become part of the domestic law of Canada so as to enable individuals to go to court when they are breached. The Supreme Court of Canada has, however, recently emphasized that such international agreements are relevant to the interpretation of the Charter, and moreover that Charter provisions should not be interpreted more narrowly than analogous provisions in human rights conventions that Canada has ratified.

There are many Charter cases in which reference has been made to international law, including several that refer to CEDAW. For example, in a recent case the Federal Court relied on several provisions of this Convention to conclude that "Canadian society is committed to equalizing the role of parents in the care of children as much as possible, for the benefit of the family in general, and in particular for the achievement of greater equality in the work place for women." The Court then went on to conclude that unemployment insurance benefits should be available to natural fathers who stayed home with newborn children as well as to natural mothers and adoptive parents.

(4) Conclusion

In conclusion, it is the view of the Government of Canada that the Charter is proving to be an effective, if gradual, means of enhancing the equality rights of women in Canada.

2. Do laws regarding human rights and equal opportunities equally apply to immigrant women, Indians and Eskimos? (para 9)

Response:

Firstly, it should be noted that contemporary terminology in Canada refers to Inuit persons, not "Eskimos."

In regard to the Canadian Charter of Rights and Freedoms, certain rights in the Charter (electoral rights in s.3, mobility rights in s.6 and minority language

educational rights in s.23) are guaranteed only to Canadian citizens. For the most part, however, rights are guaranteed to "everyone", "every individual" or "anyone", so that they pertain to all persons within Canada.

The Canadian Human Rights Act prohibits discrimination on a number of grounds including race, national or ethnic origin and colour. Thus it serves as a basis for protection against discrimination for Indian, Inuit or immigrant women, subject to the following provisos:

First, section 40(5) of the Canadian Human Rights Act confines its scope to persons who are lawfully present in Canada. Therefore, persons from other countries who were illegally present in Canada would not be able to invoke the protection of this Act.

Second, section 67 of the Act provides that nothing in it affects any provision of the Indian Act or any provision made under that Act. The Indian Act regulates certain specific matters such as property rights and education on reserves, as well as entitlement to Indian status. Therefore, grievances regulated in these areas by provisions of the Indian Act could not give rise to challenges under the Canadian Human Rights Act. However, in many other areas of life - for example, accommodation outside the reserve or employment matters - Indian women would be able to invoke the Canadian Human Rights Act if they were subject to discrimination.

3. The Committee would wish to be informed of the effect of Bill C-15, an Act to amend the Criminal Code and the Canada Evidence Act and the Secretariat on Child Sexual Abuse. (para 84)

Response:

Bill C-15, An Act to amend the Criminal Code and the Canada Evidence Act, dealing with the sexual abuse of children, came into force on January 1, 1988 (S.C. 1987, C. 24). As indicated in paragraph 84 in our report, outdated offenses dealing with the sexual abuse of children have been replaced by new offenses, protecting girls and boys from sexual interference, invitation to sexual touching, sexual exploitation, etc. The rules of evidence have been amended to enable more children to testify.

In June 1986, the Minister of National Health and Welfare announced the establishment of a Secretariat on Sexual Abuse to coordinate social and educational initiatives to combat the sexual abuse of children. The Special Advisor on Child Sexual Abuse was given the mandate to coordinate federal action on child sexual abuse, and to this end, conducted extensive consultations with provincial and municipal governments, as well as the private sector and NGOs. He is currently preparing his report, which will be presented to the Minister of Health and Welfare.

4. Has any institution or agency been established to examine new legislation to see if it is compatible with the Convention? (paras 12-13)

Response:

The Statute Law (Canadian Charter of Rights and Freedoms) Amendment Act requires the Federal Minister of Justice to examine all legislation for consistency with the Canadian Charter of Rights and Freedoms, and to report any inconsistencies to the House of Commons. Since the Charter is an important mode of implementing the Convention in Canada, this requirement contributes to ensuring that legislation is consistent with the Convention. There is a similar legislative requirement regarding consistency with the Canadian Bill of Rights.

Furthermore, as part of the examination of proposed laws and regulations, consistency with Canada's international human rights obligations is an important factor in the assessment. This has proved to be an effective means of ensuring that our international obligations are taken into account. Mechanisms which fulfil this function are, for example, status of women directorates across Canada and the Continuing Committee of Federal/Provincial/Territorial Officials on Human Rights.

5. Is the proposed new legislation to make some abortions criminal compatible with article 2(g) of the Convention?

Response:

The amendments to the Criminal Code respecting abortion were designed to balance the state's interest in protecting the foetus and the woman's constitutional right to have an abortion. The proposed legislation prohibits abortion unless performed by or under the direction of a medical practitioner who is of the opinion that if the abortion were not induced the physical, mental or psychological health of the woman would be threatened.

It is the government's position that the criminalization of abortions which do not meet these conditions does not constitute sexual discrimination contrary to article 2(g).

ARTICLE 3

1. Are there any special programs aimed at equal educational and cultural opportunities for Indian women? (para. 113)

Response:

The Aboriginal Women's Program, Native Citizens Directorate, Secretary of State, has a mandate to enhance, promote and foster the social, cultural, economic and political well-being of Aboriginal women. The Program's budget for 1989-90 was $2,249,500 for project funding.

As indicated in our report, a number of activities aimed at cultural and educational opportunities for Indian women are in place across the country. For example:

- National and local conferences have been sponsored focusing on the economic and social development of Native women.
- Employment and training programs have been developed encouraging Native women to consider career opportunities in non-traditional areas.
- One province operates an accredited university offering post-secondary education to Native students in particular.
- Federal, provincial and territorial governments all provide funding to a variety of Native women's organizations which offer programs and services to meet the specific concerns of Native women.
- Many jurisdictions provide funding to encourage Native women in the establishment of small business opportunities.
- Many post-secondary institutions offer Native Studies programs and provide specific support programs for their Native students.

2. Are Indian women fully involved in the economic and political life of the country? (para. 113)

Response:

Aboriginal women are not fully involved in the economic and political life of the country. However, Aboriginal women are becoming increasingly active in political organizations at local, provincial/territorial, and national levels; they also serve as band councillors and chiefs.

Aboriginal women are represented on negotiating teams for land claims and on advisory committees for the Canadian Aboriginal Economic Development Strategy.

There are a number of associations (federal, provincial and territorial) representing Aboriginal women's interests.

A number of Aboriginal women in the Yukon and the Northwest Territories have held or hold positions as Ministers in their territorial governments.

There is one Aboriginal woman Member of the House of Commons who is a Dene from the Northwest Territories.

3. The report states that there are new guidelines for immigrant women who lose their sponsorship because of family violence. Could it be explained how family violence can affect the status of immigrant women? (para. 158)

Response:

According to immigration policy guidelines, the sponsored spouse is not required to meet immigrant selection criteria (point system) because his/her spouse agrees to support him/her for up to 10 years.

The popular misconception held in particular by immigrant women is that they will be automatically deported from Canada if they leave their homes and spouses and seek assistance in cases of family violence or marriage breakdown.

Leaving a spouse, in and of itself, is never sufficient grounds to deport anyone from Canada. Immigrants have the same protection as Canadian citizens under the Charter of Rights and Freedoms and the protection of the Criminal Code.

ARTICLE 4

1. What has been the effect of the affirmative action program to date?

Response:

While there are a variety of affirmative action-type programs in existence, paragraphs 88 and 89 of our report focus on the Employment Equity Act and the Federal Contractors' Program. The Employment Equity Act (Bill C-62), proclaimed in August 1986, governs all federally regulated companies and Crown corporations with 100 or more employees. The Federal Contractors' Program's objective is to ensure that federal contractors with 100 or more employees who do business with the Government of Canada achieve and maintain a fair and representative workplace. Results of these two programs include the following:

- Representation of designated groups has increased in several occupational categories.

- Women's share of promotions has increased from 51.1 per cent in 1987 to 55.4 per cent in 1988.

- Increases have occurred in each designated group in the number of persons hired for full-time employment.

- More than 1,200 employers have signed a certificate of commitment to implement employment equity.

2. Have the aims of the Women's Career Counselling and Referral Bureau of the Public Service been readily achieved? (para. 91)

Response:

The Women's Career Counselling and Referral Bureau of the Public Service Commission has had a positive impact on the mobility of women within the Public Service and has made progress in achieving its aims. The representation of women in the Public Service of Canada increased to 42.9 per cent in 1988, despite an overall decrease in the size of the Public Service. The Bureau's mandate has been extended for another five years until March 31, 1993.

ARTICLE 5

1. Has Bill C-114 (pornography) or similar legislation been reintroduced into Parliament and enacted? (para. 102)

Response:

On May 4, 1987, the Minister of Justice introduced Bill C-54 (which was similar to Bill C-114), in the House of Commons. Like Bill C-114, it would have replaced the current obscenity laws with new provisions prohibiting all pornography involving children, and pornography containing violent or degrading material, as well as placing tighter controls on other forms of sexually explicit materials and adding sex to the list of identifiable grounds against which hate propaganda is prohibited. In addition, the proposed legislation distinguished between "erotica" and "pornography". Termination of the Parliamentary session in 1988 ended discussion of Bill C-54. It is anticipated that the Bill will be re-introduced.

2. What are the stereotyped attitudes that still constitute an obstacle to the advancement of women? (paras. 73, 94-97)

Response:

Further to comments made in paragraphs 73 and 97 of our report, Canada continues to strive towards eliminating stereotypical attitudes. These, for example, include the assumptions that women should have primary responsibility for child-care

and homemaking and that there are certain types of employment which are not suitable for women. Furthermore, there remains an over-emphasis on the sexual role of women.

ARTICLE 6

1. Has Bill C-15 dealing with juvenile prostitutes been enacted? (para. 103)

Response:

Yes, it came into force on January 1, 1988 (S.C. 1987, c.24)

ARTICLE 7

1. Has there been an overall increase in the percentage of women in Parliament, in the government, in public office and in the judicial system since the first report? (para 104, tables 1,2,3)

Response:

There has been a slow but steady increase in the percentage of women in these positions:

- The percentage of women in the House of Commons increased from 5.7 per cent in 1983 to 14 per cent in 1990. In the provincial legislatures, the percentage of women moved from 6.9 per cent to 14.5 per cent over the same period.

- In the judiciary, women held 6.3 per cent of federal appointments in 1986 compared to 8.5 per cent in 1989. Three of the nine members of the Supreme Court of Canada are women.

- The number of women appointed to positions as ambassadors, high commissioners and consuls-general increased from two in 1984 to 13 in June 1989.

2. Are there any plans to introduce a quota system in all political parties to ensure a minimum number of places for women in the legislature?

Response:

There has been no indication by political parties that they intend to introduce quotas.

In Canada, candidates are selected by party supporters at the constituency level and the autonomy of each constituency with respect to candidate selection is well-established. Thus, it is difficult for political parties to prescribe quotas or influence candidate selection without being criticized by grassroots activists. Women's political action is therefore focused on local constituencies and support for female candidates during the candidate selection process.

In addition the main political parties in Canada have taken steps to ensure that women are well represented at party conferences, conventions and at the executive levels. Delegate selection procedures ensure that 50 per cent of the delegates to major political conventions are women.

3. What has been the effect of the National Organization of Immigrant and Visible Minority Women? (para. 114)

Response:

The National Organization of Immigrant and Visible Minority Women of Canada (NOIVMC) represents the first united voice on issues such as language training, immigration policy, social services and race relations.

The organization has served as a catalyst for groups representing immigrant and visible minority women to work together in the presentation of briefs to the federal government.

The organization also works with public and private agencies to develop effective strategies.

Dr. Glenda Simms, former member of NOIVMWC, has recently been appointed President of the Canadian Advisory Council on the Status of Women.

4. Do political parties have special programs for the advancement of women?

Response:

Yes, mainstream political parties have instituted special programs to attract and involve women in the political process.

These include:

- political skills training;
- candidates schools;
- mentorship programs (student Political Assistant Program);
- parliamentary interns programs; and
- special measures to ensure that executive committees, campaign and convention committees have female members.

In addition, at the national level, the three main political parties have special funds to support women candidates during general elections. Fundraising is therefore targeted to the particular needs of women.

ARTICLE 8

1. What steps are being taken to implement CEDAW's recommendations numbers 8 and 10 (seventh and eighth sessions) to ensure better representation of women in international organizations? (paras. 117-118)

Response:

Through a co-ordinated federal government approach, vacancies in international organizations are identified and potential candidates with the required qualifications sought. Whenever appropriate, formal government endorsement is given to chosen candidates. For senior level appointments, the government may carry out an active international campaign to seek support for the Canadian candidate. A particular effort is sustained for positions for women. Recent successes include the appointments of senior Canadian women to head the United Nations Department of Public Information and UNIFEM (the United Nations Development Fund for Women).

Canada has also been a vocal, persistent proponent of increased recruitment of women throughout the U.N. system, including the specialized agencies. In public statements, in debates in governing bodies and in private meetings with senior officials, Canadian representatives have pressed the case for increased female participation, particularly at senior levels.

ARTICLE 10

1. Does the federal government actively encourage provincial governments to introduce special programs to urge boys and girls to break away from

stereotyped choices of education and training? Can an overview of these programs be provided?

Response:

Given Canada's federal nature, legislative authority for education has been delegated to the provinces and territories. However, the federal government has been involved in a number of activities encouraging equality in education. For example, the Federal/Provincial/Territorial Ministers Responsible for the Status of Women met with the Council of Ministers of Education of Canada in 1989 to discuss measures which would promote equality in education for girls and women. The participation of girls and women in mathematics, science and technology was a major agenda item.

The provinces and territories have undertaken initiatives which include:

- public awareness activities such as videos and posters;
- role modelling programs;
- conferences;
- curriculum changes in health and lifestyle areas;
- monitoring stereotypical educational materials; and
- promotion of women in science and mathematics.

The federal, provincial and territorial governments have implemented a number of initiatives to increase the participation of girls and women in science and mathematics and to encourage young women to enter non-traditional occupations. Of particular note is the Canada Scholarships Program offered to students enrolling in the natural sciences, engineering and related disciplines. The program requires that at least 50 per cent of the scholarships be awarded to women.

ARTICLE 11

1. Under the new Pay Equity Act, jobs have to be reassessed to ensure equal pay for work of equal value. Will this involve gender neutral evaluation of jobs which are dominated by one sex, in accordance with the recommendation of the CEDAW Committee in 1989?

Response:

New Pay Equity Acts have been proclaimed in several provinces: Manitoba, Ontario, Nova Scotia, New Brunswick and Prince Edward Island. While these Acts

all enjoy the same name, they are not the same Act. This is a matter under provincial jurisdiction, and each province has drafted its own legislation.

However, while the Acts differ to meet various provincial needs and circumstances, they were all drafted after Canada's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women and after adoption of the standards of equal pay for work of equal value it outlines.

The approach of the Canadian Human Rights Commission is to base evaluations on a composite of skill, effort, responsibility and working conditions. The ability to undertake gender-neutral evaluations of jobs dominated by one sex is an important goal that will require continuing refinement and assessment of methods of evaluation.

2. What are the actions taken by the Government and the trade unions to redress the situation that Canadian women earn only 65 per cent of men's earnings?

Response:

1. Federal Government

   - Pay equity provisions are covered on a complaint-basis.
   - In the Public Service, as employer, the Government has established employment equity and pay equity policies and programs.

2. Provincial/Territorial Governments

   - All governments have implemented initiatives to ensure women have equal access to opportunities in the workplace.

3. Trade Unions

   - The Canadian Labour Congress (CLC) and its provincial labour federations have adopted comprehensive affirmative action policies. The CLC also encourages affiliates to negotiate provisions to close the wage gap.

3. What are the guidelines recommended by the Canadian Human Rights Commission for establishing pay equity? (para. 129)

Response:

Equal value is understood to be a composite of skill, effort, responsibility and working conditions. Systems used to measure these job attributes must be free of gender bias.

Comparisons can be made between all employees subject to common personnel and wage policies.

4. What is being done to increase the number of child care places? How many new places have been created since 1985 and how does this match the demand? (paras. 30, 140, 142)

Response:

Child care spaces are subsidized under the Canada Assistance Plan (CAP). Under CAP, the federal government cost-shares with the provincial and territorial governments on a 50/50 basis. In the 1988-89 fiscal year, federal government expenditures amounted to $200 million under CAP. Full-time day care spaces across Canada reflect steady growth since 1985 (1985 = 102,000; 1988 = 264,000; 1989 = 300,000 estimate).

Provinces and territories have ultimate jurisdictional responsibility for the provision, design and administration of their own child care systems.

Preliminary information suggests that the need for child care, and the extent to which the needs are being met varies greatly depending upon the age of the children.

5. What are the wages and conditions of work of child care workers? Are they commensurate with the commitment and responsibility that is expected of them in providing quality care for children? If not, what is the government's commitment to equal pay for work of equal value and the provision of quality care for children?

Response:

The wages and conditions of work for child care workers vary across the country. Wages are low, especially in light of responsibilities involved. It is an area of ongoing concern and we will endeavour to provide more details in our next report.

Current pay equity legislation does not meet the needs of these workers, but this matter is under review.

6. Have any legislative efforts been made since 1987 to improve the legal and material status of part-time workers? Have the benefits of full-time employees been extended to part-time workers as recommended in Toward Equality?

Response:

Under current policy, about 70-75 per cent of part-time workers are eligible for Unemployment Insurance benefits. The situation of students, youth and occasional workers provides evidence that expansion of coverage would not have broad support. Students and youth in school would not be able to collect benefits, and workers at very low levels of income would be further burdened by having to pay premiums.

Some provincial jurisdictions have implemented legislative and regulative changes to ensure that part-time and full-time employees are treated equally.

Labour Canada will be considering this issue in the context of a general review of the labour standards provisions of Part II of the Canada Labour Code.

7. What percentage of women contribute to schemes that will provide greater income security in their old age? (para. 133)

Response:

The pension system in Canada includes both public and private provisions in addition to the Old Age Security Program which is universal and non-contributory.

Public:

- The public pension plan is the Canada/Quebec Pension Plan which covers virtually all employed and self-employed women and men between 18 and 70 years of age. Contributions are mandatory.

Private:

- Employer-sponsored pension plans: Only 37 per cent of the employed female labour force, compared to 52.3 per cent of the male labour force, are covered by employer-sponsored plans. These proportions have improved in the last decade as employers, who seek to attract and retain skilled employees, are now providing a full range of benefits.

- Registered Retirement Savings Plans: These plans encourage saving for retirement through tax breaks. About 19 per cent of all persons filing tax returns contribute.

8. Regarding equal pay for work of equal value, how has the adjustment process in the federal sector been achieved through government initiative or collective bargaining?

9. Has machinery been established to ensure that principles of equal pay apply in the Public Service? Has equal pay been fully implemented in the Public Service?

Response:

- The Federal Public Service is covered by the Canadian Human Rights Act, which provides a complaint-based mechanism for achieving the equal value standard.

- In January, 1990, equal pay adjustments were announced in the amount of $317 million for the period retroactive to March 1985, and $76 million in annual adjustments beginning April 1990. Some 68,000 public servants will be affected. The largest groups are clerks, secretaries and typists in the Public Service.

ARTICLE 12

1. What will be the impact of the new legislation concerning abortion on a woman's right to choose freely the number and spacing of her children under Article 16? What are the consequences of this new legislation for the health of women?

Response:

On November 3, 1989, an Act respecting abortion was introduced in the House of Commons. This Bill (C-43) has not passed the House of Commons and the Senate and therefore is not yet law; thus this question is somewhat hypothetical.

The Bill establishes that the question of abortion is a medical decision to be made between a woman and her doctor, based on health grounds. It affirms a woman's entitlement to abortion, based on health grounds. Health is understood to include physical, mental and psychological health.

2. Has there been any change in the availability of services following the change in the law? Do women travel abroad for abortions?

Response:

On January 28, 1988 the Supreme Court of Canada in Morgentaler struck down the Criminal Code provisions concerning abortion. No significant change in the abortion rate was observed during a survey of 50 urban and rural hospitals by the Canadian Medical Association between January and May 1988 (post Morgentaler). Some Canadian women do travel out of the country for abortions. The most current data available are for 1986, at which time some 2,612 legal abortions were performed in the United States on Canadian women.

3. Is there any information on maternal morbidity/ mortality rates? (para 33)

Response:

We can supply maternal mortality numbers:

Maternal Mortality Numbers

	Live Births in Canada	Maternal Deaths	Deaths/ 100,000
1983	373,689	20	5.35
1984	377,031	12	3.18
1986	372,913	15	4.02
1987	369,742	11	2.97

4. Could you give figures on women infected by HIV and on women suffering from AIDS? Have any specific programs been designed? Is research being carried out as to the specific symptoms in women who have AIDS? Are there any specific programs for women with HIV-infected relatives, for health workers (mostly women) and for children born with the infection?

Response:

Figures

- As of January 15, 1990, there were 189 adult female AIDS cases reported (age 15 and over). This represents 5.6 per cent of total adult AIDS cases.

Programs

- Within the Information and Education Bureau of the Federal Centre for AIDS (FCA), a designated officer will be developing adult AIDS education programming for women.

- Examples of programs within provinces include:

  - British Columbia Task Force on Women and AIDS; Aim: to share information on women and AIDS.

  - Quebec nursing associations: information and education sessions on women and AIDS re: care giving.

  - AIDS Committee of Toronto (ACT): support groups for women.

  - Hospitals: special counselling and support units for women with AIDS e.g., Saint-Justines Hospital, Montreal; Sick Children's Hospital, Toronto.

Research

- The National Health Research and Development Program (NHRDP) of Health and Welfare Canada has committed to date $3,415,462.68 in funding for research on women and AIDS. (1986-1992).

Through the Federal-Provincial-Territorial Continuing Committee of Officials on Human Rights, Human Rights Ministers are being kept informed of the human rights implications of several medical/legal issues, including testing for AIDS and medical research involving human beings.

ARTICLE 13

1. What is being done to assist single-parent families? What measures are being taken to enforce child support and to provide training and child care for single mothers?

Response:

Income Support

- There are a number of benefits that are available to all parents, on an income-tested basis.

- Assistance for low-income families focuses primarily on basic needs such as shelter, utilities, food and clothing.

- Provincial governments are responsible for the provision and delivery of social assistance. The federal government shares 50 per cent of the costs under the Canada Assistance Plan (CAP).

Tax Assistance

- The equivalent to married tax exemption is a tax measure that is beneficial to single mothers. These women are able to claim one of their children as "equivalent to married" and so receive a larger tax credit ($850 for 1989) for that child.

- Single mothers can claim a tax exemption for unreimbursed child care expenses incurred when going to work, taking an occupational training course, or when carrying out research for which a grant was received.

Training

- In September 1985, federal, provincial and territorial Ministers responsible for Social Services and Labour Market Matters agreed on a seven-point strategy to help social assistance recipients (SAR) achieve greater self-sufficiency. The SAR Initiative includes target participation levels for social assistance recipients in Canadian Jobs Strategy training and employment programs; some continued social assistance benefits for social assistance recipients; employment and training pilot projects; and improved information to allow evaluation of the initiatives undertaken under these agreements.

- The Canadian Jobs Strategy provides training allowances for all participants, both full and part-time, in the SAR Initiatives programs. As well, dependent care allowances are provided to those individuals who are obliged to pay for the care of young children or disabled dependents. These allowances are especially beneficial for single-parent mothers.

Enforcement of Child Support

- In 1984 the federal government enacted the Garnishment, Attachment and Pension Diversion Act to allow federal employees' salaries to be garnished.

- In 1985, the federal government made $1.2 million in grants available to the provinces and territories to assist in establishing or enhancing their automatic enforcement agencies.

- In 1986 the federal government adopted the Family Orders and Agreements Enforcement Assistance Act to assist provincial enforcement agencies in tracing delinquent debtors and to permit federal monies to be garnished.

- Enforcement of both maintenance and child support payments is exclusively within provincial jurisdiction.

ARTICLE 16

1. Is there any action to raise the minimum age of marriage in some of the provinces to make it the same for men and women?

Response:

Generally, provincial laws relating to the solemnization of marriage treat men and women equally under the provisions governing the age at which licenses may be issued.

2. Why is garnishing of wages for maintenance payments restricted to public servants? (para 155)

Response:

Garnishment proceedings, including those for maintenance payments, are in fact applicable to all persons through normal court proceedings. In paragraph 155 of our report we mentioned that a law had been passed by Parliament to make it possible to garnishee the wages and superannuation of Public Servants. This was done because previously, federal Public Servants were protected against garnishment proceedings. This law removed that privilege.

3. What were the results of the 1983 inter-governmental working group on wife battering and have they been implemented? (para 14)

Response:

The working group reported to Ministers Responsible for the Status of Women both in 1984 and 1986. Each jurisdiction's report clearly demonstrated progress in addressing family violence.

On June 7, 1988, the federal Minister of Health and Welfare and the Minister Responsible for the Status of Women announced a $40 million Family Violence Initiatives comprising a series of immediate measures to address the issue and steps to develop a long-term national approach to the problem.

4. Has there been an increase in the incidence of violence against women since the initial report? (para 157-158)

Response:

A recent Canadian study on physical and sexual violence against women entitled The City for Women: No Safe Place revealed the following:

- One million Canadian women are abused by their husbands or live-in partners each year.
- Fifteen per cent of homicides are of women by their husbands, compared to six per cent of homicides of men by their wives.
- Fifty-six per cent of urban Canadian women feel unsafe walking alone in their neighbourhoods after dark.

As well, a recently published study in the Province of Ontario stated that eight out of 10 Indian and Metis women have suffered some form of abuse, mostly by their spouses.

These disturbing statistics support the government's decision for continuing comprehensive actions on this issue and reflect improved methods of reporting these conditions.

5. What studies have been made about the causes of violence against women within the family?

Response:

As mentioned in our response to the previous question, two studies on violence against women have just recently been published.

- A study on physical and sexual violence against women entitled The City for Women: No Safe Place, was commissioned by the Secretary of State for presentation at the First European and North American Conference on Urban Safety and Crime Prevention held in Montreal in October 1989.
- A study on violence against Native women was published in January 1990 by the Ontario Native Women's Association and financed by 11 Ontario government ministries.

6. Have any new programs been introduced to combat such violence or to provide assistance and protection to women who are victims of violence?

Response:

The federal government's major commitment in this area is the $40 million Family Violence Initiatives announced June 7, 1988. The objectives of the initiatives are to address the needs for prevention, protection and treatment.

Some provincial governments, including Ontario, Manitoba, Alberta, Nova Scotia and British Columbia, have embarked on extensive public awareness campaigns on the issue of violence against women.

The British Columbia Institute on Family Violence has been established in cooperation with universities, the private and voluntary sectors to develop an integrated, coordinated approach to the investigation, treatment and research into family violence.

Two recent initiatives under way in the province of Ontario involve $41 million for the issue of wife assault and a further $28.8 million over the next five years to address sexual assault.

The network of shelters and safe houses for victims of violence has continued to grow with the assistance of government funding, private sector support and the efforts of the voluntary sector.

UNITED NATIONS

A

General Assembly

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8 February 1990

ORIGINAL: ENGLISH

Forty-fifth session

REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN*

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* The present document is a mimeographed version of the report of the Committee on the Elimination of Discrimination against Women on the work of its ninth session. The report will be issued subsequently as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38).

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2. Second periodic reports

325. According to the procedures applied by the Committee for consideration of second and subsequent periodic reports, issues and questions which should be discussed with the representatives of the States parties presenting a report have been identified in advance by a pre-session working group.

326. The issues and questions agreed by the Committee were forwarded to the five reporting States on Thursday, 25 January 1990. In the accompanying letter, the representatives of the States parties have been informed that the lists are not exhaustive and do not prevent members of the Committee from posing further questions in the course of the dialogue with the representatives.

Ukrainian Soviet Socialist Republic

327. The Committee considered the second periodic report of the Ukrainian Soviet Socialist Republic (CEDAW/C/13/Add.8 and Amend.1) at its 162nd meeting on 30 January 1990 (CEDAW/C/SR....).

328. The representative of the Ukrainian Soviet Socialist Republic stated, in response to a question about why the second periodic report had begun with article 7, that the report was intended to update information based on developments subsequent to the initial report and that there had been no substantial change in the information under the earlier articles. The information contained in the second periodic report and, particularly, in the amendment to it, showed the effects of the vigorous renewal of society implied by perestroika and glasnost. The critical analysis that was part of that process had identified a number of problems for women requiring solution, including the situation of employment of women, women's work-load, the division of labour in the home between women and men and the related problem of underdevelopment in the necessary elements of the social infrastructure, and the participation of women in decision-making. Of particular importance was the probable effect of the process of economic reform on women.

329. The representative noted that as part of its reconsideration of the role of the International Court of Justice, the Government had in March 1989 withdrawn its reservation to article 29, paragraph 1, of the Convention.

330. In response to a question on the changes in the status of women that had taken place as a result of perestroika and glasnost, the representative stated that the major achievement was a change in the socio-political atmosphere of the country, both at the all-Union and republic levels, as a result of the election of peoples' deputies, the active role now being played by the Supreme Soviet in developing legislation that aimed at creating a state of law. There had been increasing democratization at the republic and local levels and elections in the republic would be held on 4 March 1990 on the basis of a new law. On the basis of that law, the new Parliament of the Republic would not have quotas for public organizations and although those organizations, including the Communist Party, could nominate candidates, voting was by district. In addition, a new all-Union law governing relations between the centre and the republics substantially expanded the rights of the Union Republics. The main issue was the radical economic reform to make the economy more responsive and, although it had not had the intended effect, as shown by the unbalanced market and shortages of goods, it was expected to increase the output of consumer goods and services.

law in certain fields and the question whether some interpretations of Islam were correct and whether the world-wide conservative tendency applied to Egypt as well and, if it did, which age group, the representative said that the concept of Islam was the concept of equality and that in reality, however, there were some misinterpretations, which ought to be corrected.

405. The statement in the report that "the question of the validity of the provisions of the Convention or of referral to them before courts did not arise" was questioned. In reply to that query the representative said that the State having become a party to an international legal instrument, that legal instrument became an integral part of the national law. Therefore, the Convention could be directly invoked before courts of law.

406. Concern was expressed concerning the high school drop-out rate of girls, the high rate of illiteracy and why, if those issues related to economic reasons, it should affect only girls and not also boys, and also at the statement that a woman's testimony did not have the same weight as that of a man. It was hoped that women's participation in political life would increase. There was disagreement with the statement that the achievement of equality for women depended on the stage of economic development of a country.

407. More detailed statistics on the rate of unemployment were requested as well as information on the social security entitlements of domestic servants and women working in family enterprises. In reply to a question concerning the work of women in the mining, petroleum and construction industry, the representative said there was no discrimination against women in any type of occupation. However, women were entitled to protection in certain jobs that were considered harmful to their health.

408. As abortion was against the law, it was asked whether measures were envisaged to combat clandestine abortion. A certain discrepancy was noted between the limit placed on maternity leave and the ban on abortion. In reply, the representative emphasised the free access to contraceptives in family planning centres.

409. Concerning the questions as to whether there were different laws in the country and how the Constitution could harmonize the various religious groups, he repeated that the Constitution applied to all persons irrespective of sex and that there was only one statute; however, matters related to personal status were governed by different regulations according to the religion of the persons concerned. Islamic law was not imposed upon the adherents of other religions. With regard to the question what happened to orphaned children considering that adoption was forbidden by law, the representative said that instead of adoption, Islam had enshrined the custody system to take care of children who were orphans, under which the child was given full financial support and protection, but not the family name of the custodians. In addition to that, there were orphanages. Concerning the rights of women after a divorce, the representative explained that women were entitled to alimony during the first year and were given custody of the children, for whom the father had to pay maintenance. The women were also entitled to keep the matrimonial home.

Canada

410. The Committee considered the second periodic report of Canada (CEDAW/C/13/Add.11, parts I and II) at its 167th meeting, on 1 February 1990 (CEDAW/C/SR.167).

411. The representative of Canada, in introducing the report, stated that the size of the delegation reflected the importance attached to the preparation and presentation of the report. He noted that Canada was a federal State with responsibilities for various subjects divided between the federal and provincial levels and, in addition, there was a large number of non-governmental organizations involved with women's matters. Considerable progress had been recorded and the advancement of women continued to be a high priority of the Government.

412. The Charter of Rights and Freedoms, in section 15, guaranteed equality between women and men. Based on those provisions, 50 cases that cited gender as a ground of discrimination had been litigated over the past three years and the decisions on them had resulted in practical progress for women. The Supreme Court of Canada had ruled that international instruments had relevance for the interpretation of the Charter. A national court challenges programme had been established to provide funding for women seeking redress under the law so that they could take court to cases that would clarify and advance equality and language rights. However, the process of dismantling systemic discrimination was long and complex.

413. Anti-discrimination legislation was a key to implementing the Convention and the Supreme Court had adopted a broad interpretation of equality and the dignity of individuals, applying it to sexual harassment and discrimination on the basis of pregnancy. There were also amendments in order to eliminate discriminatory provisions in the Indian Act.

414. In terms of employment, women made up 44 per cent of the labour force, with 60 per cent working in some sectoral concentrations with wage disparities. There had been federal employment equity legislation requiring federally regulated employers and larger corporations to report on efforts to redress systemic discrimination against women, disabled persons, aboriginal minorities and members of visible minorities. The federal Government and seven provinces had taken initiatives to deal with the question of equal pay for work of equal value. There had been an increase in training and education to eradicate stereotypical attitudes about the woman's role in the workplace.

415. Concerning work and family responsibilities, in addition to the implementation of such measures as maternity and parental leave benefits, legislation had been enacted promulgating the national strategy on child care, giving priority to the needs of special groups of children.

416. In relation to women in public life, 40 out of 295 members of the House of Commons were women, up from 16 in 1982; there were six women in the federal cabinet, one woman at the head of a major national political party and three women among the nine justices of the Supreme Court.

417. New legislation related to abortion had recently been tabled in Parliament. The proposed legislation established that abortion was a medical decision to be made between a woman and her doctor based on broadly defined health grounds.

418. New measures had been adopted to address the problem of violence against women, emphasizing immediate needs and the federal Government had allocated $Can. 40 million to prevention and protection; a national strategy was being elaborated and one province had allocated $Can. 42 million to deal with the problem of spousal assault.

419. Responding to general questions posed by the Committee, the head of Canada's national machinery explained the work of provincial agencies, including the Office for the Prevention of Family Violence in Alberta, the Advisory Committee on Women's Issues in Education in New Brunswick, the Family Task Force in Nova Scotia and the Task Force on Day Care for Children in Quebec. She noted that more updated statistics were in the process of being prepared; the updated comprehensive analysis entitled "Women in Canada" would be issued in a few months and updated statistics would be included in the next periodic report in 1991. The structure of the next report would be considered in the light of the Committee's suggestion that information be presented under one head rather than under individual provinces. The governments in Canada maintained close contact with non-governmental organizations, which were integral parts of the national machinery and their views were consequently always taken into consideration. There had been a number of efforts to publicize the Convention, including wide distribution of the text as well as Canada's report on the Convention and United Nations information material on it.

420. Concerning decisions of the Supreme Court relevant to discrimination and the Convention, in the light of article 2, it was noted that section 15 of the Charter had been cited in two cases, neither involving discrimination by sex, but which had interpreted the section as precluding systemic or indirect discrimination as well as direct discrimination. The interpretation also covered analogous grounds, such as personal characteristics that were associated with other disadvantages such as marital status. Section 7 on the right to life, liberty and security of the person had been interpreted so as to strike down the therapeutic abortion provisions of the Criminal Code, and the Court had ruled that international agreements to which Canada had become a party could be used in the interpretation of the Charter. The Charter applied to all citizens equally including to immigrant women and Inuit persons. Also in relation to article 2, the Government had introduced Bill C-5 to amend the Criminal Code and the Canada Evidence Act dealing with sexual abuse of children. The amendment had come into force on 1 January 1988 and a Special Adviser on Child Sexual Abuse had been given a mandate to co-ordinate federal action on that subject. To examine new legislation in the light of the Charter, the Federal Minister of Justice undertook reviews, including the question of consistency with international human rights obligations. It was noted that proposed new legislation on abortion did not constitute sexual discrimination contrary to article 2 (g).

421. In relation to article 3, with reference to special programmes aimed at equal educational and cultural opportunities for Indian women, it was noted that the Aboriginal Women's Program, Native Citizens Directorate, Secretary of State had a mandate in the area and a number of activities were under way. Aboriginal women were not, however, fully involved in the economic and political life of the country, although that was gradually changing as aboriginal women became increasingly active in their communities. With regard to guidelines for immigrant women who lost their sponsorship because of family violence, it was explained that, under the guidelines, the sponsored spouse was not required to meet immigration selection criteria because of the promise of 10-year sponsorship by the spouse, which many feared might lead to automatic deportation if the sponsored spouse left the home and sought assistance in cases of violence or marital breakdown. Under the Charter, leaving a spouse was never sufficient grounds for deportation and immigrants had the same protection as citizens.

422. On article 4, relating to affirmative action, the Employment Equity Act was intended to ensure that all federal contractors doing business with the Government achieved and maintained a fair and representative workplace. In addition, the Women's Career Counselling and Referral Bureau of the Public Service had had a positive impact on the mobility of women within the public service and its mandate had been extended for another five years.

423. On article 5, regarding obscenity legislation, it was stated that a bill had been introduced that would prohibit child pornography and pornography containing violent or degrading material. That would place tighter controls and add sex to the list of items against which hate propaganda was prohibited. The legislation was still pending. There were still many stereotyped attitudes and that constituted an obstacle to advancement.

424. Regarding article 6, it was confirmed that Bill C-15 dealing with juvenile prostitutes had come into force on 1 January 1988.

425. On article 7, there had been a slow but steady increase in the percentage of women in Parliament, the Government, public office and the judicial system, as reflected in an increase from 5.7 per cent in 1982 to 13.2 per cent in 1990 in the House of Commons, from 6.9 per cent to 14.5 per cent in provincial legislatures, from 6.3 per cent to 8.5 per cent in federal appointments as well as from 2 to 13 per cent in the number of women who held the highest diplomatic ranks. The political parties did not have quota systems but the main parties had taken steps to ensure female representation at party conferences and at the executive levels. Candidates were selected locally and women's political action was focused on that level. For minority women, the National Organization of Immigrant and Visible Minority Women had served as a catalyst in the interest of those groups and the new president of the Advisory Committee on Women was a member of the board of directors of that group. The political parties had instituted special programmes to attract and involve women in the political process.

426. In terms of article 8, there was a co-ordinated federal government approach to providing candidates for vacancies in international organizations. Women were actively sought for those vacancies and the Government had also been a persistent voice for the advancement of women in the United Nations system.

427. Programmes were in place to encourage boys and girls to break away from stereotyped choices of education and training, in the context of article 10, mostly at the provincial level to which educational responsibility was delegated, including in particular information campaigns, curriculum changes, monitoring of teaching material and scholarship programmes.

428. Regarding article 11, it was stated that the Pay Equity Acts of several provinces had been drafted in the light of the Convention and the general approach adopted by the Canadian Human Rights Commission had been to base evaluations on a composite of skill, effort, responsibility and working conditions. Regarding the problem that Canadian women on average earned only 65 per cent of men's earnings, steps taken included the application of pay equity provisions, provincial initiatives to ensure equal access to employment opportunities and affirmative action policies supported by the trade unions in the context of contract negotiations. Regarding child care, places were subsidized under the Canada Assistance Plan that cost-shared with provincial and territorial governments and that had led to an increase from 102,000 places in 1985 to 300,000 in 1989. There

was an ongoing debate as to the State's role in that issue. Wages for child-care workers varied across the country but were generally low relative to the responsibilities involved and that was an area of concern that would be addressed in the next report. Although there would be a general review of labour standards, there was no change in the current policy of coverage of part-time workers, although some provincial jurisdictions had implemented legislative and regulative changes ensuring equal treatment of part-time and full-time workers. In relation to the pension system, a number of plans were intended to provide income security in old age, including the public pension plan and employer-sponsored and individual pension and retirement savings plans. For the public service in the federal sector, equal value was enforced through a complaint-based mechanism. A joint union-management mechanism had undertaken a study of jobs in the public service that had led to equal pay adjustments for several classes of public servants, mostly women.

429. In terms of article 12, the issue of abortion was being addressed through legislation being considered in the House of Commons that would establish abortion as a medical decision to be made between a woman and her doctor on health grounds, including physical, mental and psychological health. After the striking down of the Criminal Code provisions on abortion there had been no measured change in the number of abortions, but statistics had shown that many Canadian women had had abortions in the United States. Maternal mortality/morbidity rates were 5.35 in 1983, 3.18 in 1984, 4.02 in 1986 and 2.97 in 1987. Regarding the issue of women infected with HIV and AIDS, it was noted that, as of 15 January 1990, 189 adult female AIDS cases had been reported, or 5.6 per cent of total adult cases and there had been a number of programmes to reach out to women with education and support, as well as a concern with the human rights implications of AIDS testing and medical research.

430. On article 13, it was noted that a number of social services were provided for single mothers and the tax law had been revised to allow single mothers to be taxed at a similar rate to married mothers. There were also efforts to train single women, including providing allowances for child and dependent care during training. To assist women in the enforcement of child-support decisions, there had been a $1.2 million grant to assist in the development of automatic enforcement procedures.

431. Regarding article 16, it was noted that the procedure of garnishing wages for maintenance payments was applicable to all federal and provincially regulated businesses through normal proceedings and the procedures now applicable to the public service would eliminate the previous protection of civil servants from such garnishment. A number of results had been obtained from the 1983 intergovernmental working group on wife-battering and were reflected in federal initiatives and the $40 million family violence initiative noted previously. However, a study entitled "The City for Women: No Safe Place" had noted that 1 million Canadian women had been abused by husbands or live-in partners, more homicides involve husbands killing wives than the reverse and most Canadian women felt unsafe walking alone in their neighbourhoods after dark. A study of Indian and metis women also revealed extensive abuse.

432. Responding to a follow-up question, she noted that the success of Canada in achieving the advancement of women was, as suggested, due to both the strength of the feminist movement and the political will of the leaders of Canada, supported by the action of individuals and organizations to achieve that objective. In

addition, the existence of a well-defined national machinery with a Minister sitting in important cabinet committees and connections with a network of women's organizations was also important, as was the understanding by both business and governments of the demographics of women's involvement in the economy. The political commitment was reflected as well in the involvement of the country's permanent representative in the presentation of the report.

433. In response to other follow-up questions, she noted that there would be follow-up with non-governmental organizations in the light of comments on the report. The issue of violence against elderly women was receiving attention but there was a need to deal more broadly with the issue, although Canada had a Minister of State for senior citizens to organize responses to those issues. It was noted that progress was stalled temporarily in social services for the poor, as well as child care, owing to the economic conditions faced by the country and the lack of a consensus on the role of the State in child care, but the picture showed signs of improving. Regarding a question on the composition of the Royal Commission of Inquiry into New Reproductive Technologies, it was explained that the Commission was composed of six experts in law and genetics and was chaired by a woman. On support for and opposition to the draft abortion legislation, opinion on the specific bill was divided, although most people supported a pro-choice position in general. Concerning age of marriage, it was noted that the matter was provincial but there was a growing move towards a federal standard of 18 years for both sexes. Efforts were being made to support aboriginal women in their languages but the basic languages of the country for business purposes for all citizens would continue to be English and French. The role of the National Film Board of Canada in producing films on violence against women was acknowledged.

434. The operation of the Secretariat of Appointments in the Office of the Prime Minister was described and its effect on increasing the number of women appointees noted. The results of studies describing the division of labour in the home had shown that, where women worked full-time in the home, spouses contributed 10 hours a week to domestic work and where women worked full-time outside the home, spouses contributed only 11 hours.

435. She noted that there continued to be opposition to equality, rooted in unchanged attitudes and slowly changing structures. That opposition was not increasing but had rather become better organized, and there was no opposition to affirmative action as that was guaranteed by the Charter.

436. The very comprehensive report of Canada indicated skill in fulfilling the reporting obligations, and it was suggested that Canada consider, in the context of its developments, assistance programmes to aid developing countries in their efforts to implement the Convention.

ANNEX 6

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

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6 February 1990

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 167th MEETING

Held at Headquarters, New York,
on Thursday, 1 February 1990, at 10 a.m.

Chairperson: Ms. EVATT

later: Ms. GUAN Minqian

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

This record is subject to correction.

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Canada (CEDAW/C/13/Add.11/Parts 1 and 2)

1. At the invitation of the Chairperson, Mr. Fortier (Canada) and Ms. Stanley (Canada) took a place at the Committee table.

2. Mr. FORTIER (Canada) said it was important to recall that Canada was a federal State comprising 10 provinces and two territories. As responsibility for such matters as employment and social services was shared by the federal, provincial and territorial governments, the report and his statement covered measures taken at all three levels. Canada also had an extensive network of non-governmental organizations, many of which focused on a broad range of women's interests - that was particularly important in view of the country's cultural, social and geographic diversity.

3. Canada's commitment to the Convention reflected the priority accorded to all aspects of gender equality. Accordingly, the Government had made special efforts to promote that instrument.

4. He wished to inform the Committee of a number of important measures taken in Canada since January 1987 to promote women's equality. As noted in Canada's initial report, the Canadian Charter of Rights and Freedoms was one of the main sources of protection against discrimination in his country. Section 15 of the Charter, which had entered into force in 1985, guaranteed every individual equality under the law, without discrimination on the basis of a number of grounds, including gender. Any individual in Canada could challenge legislation, policies and practices of the federal or provincial governments that were perceived to be discriminatory. In addition, section 28 stated that all rights and freedoms guaranteed under that instrument were guaranteed equally to men and women. Approximately 50 cases involving gender discrimination had been initiated on the basis of the Charter's equality provisions. The resulting decisions had significantly enhanced the status of women, and a general interpretation had established that section 15 precluded systemic as well as intentional or direct discrimination. Recent rulings of the Supreme Court had also emphasized the relevance of international agreements, including the Convention, to the Charter's interpretation.

5. The Canadian Government had established a national Court Challenges Programme which made funds available to non-profit groups and individuals so that they could bring test cases before the courts to clarify and promote the rights pertaining to equality and language which were guaranteed in the Constitution. Funding had been provided under the Programme to immigrant, native, psychiatrically disabled and imprisoned women, and the Programme enjoyed wide support.

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(Mr. Fortier, Canada)

6. A review had been undertaken of federal, provincial and territorial legislation to ensure its compliance with the Canadian Charter of Rights and Freedoms, and measures had been taken to correct any instances of failure to do so. Yet it was clear that the elimination of systemic discrimination would take time. Canada remained confident, however, that the provisions of the Charter would make a major contribution to promoting women's equality in Canada.

7. In recent years, the Supreme Court of Canada had taken the position that anti-discrimination legislation must be interpreted broadly and liberally if individual equality and dignity were to be promoted. In that light, the Court had determined that the prohibition of discrimination on the basis of gender extended to sexual harassment and to discrimination on the basis of pregnancy. Specific measures were also being taken by the Government to promote the equality of Indian and Aboriginal women in Canada.

8. The percentage of working women in Canada had risen significantly since 1970; however, the Government was concerned at the high concentration of women in certain sectors of the labour force and the persistent disparities between women's and men's wages. The report provided information about a number of special measures undertaken to redress such inequalities, including the Employment Equity Act, initiatives at all levels of government to implement the principle of equal pay for work of equal value, and the development at the federal and provincial levels of the Framework for Training for Women, which focused on the need to change stereotyped attitudes about women's role in the work place through public education and increased access for women to educational and training programmes. All levels of government regularly reported on the progress being made in those key areas.

9. As women's participation in the labour force increased, there was a clear need for the Government to be more responsive to the changing relationship between work and family responsibilities, and efforts were currently under way to develop comprehensive strategies in that regard. Measures taken thus far included the implementation of provisions relating to maternity and parental leave and benefits; the enhancement of family support services; and flexible working arrangements for government employees. Child care was generally recognized as a priority, and received financial support from the federal and provincial governments. In December 1987, increased tax relief had been made available to families with young children and a Child Care Initiatives Fund had been established to encourage the development of innovative solutions to child-care issues, with special priority given to the needs of Aboriginal, disabled, rural and minority children.

10. The number of women Members of Parliament had risen from 16 in 1982 to 40 at present; six women had been appointed to the Federal Cabinet and in 1989 the first woman to lead a national political party had been elected. Three women served on the Supreme Court and increasing numbers of women were being appointed to the lower courts.

(Mr. Fortier, Canada)

11. In the area of health, the most complex and contentious issues were those of abortion and reproductive health. In January 1988, the Supreme Court had struck down Canada's existing law governing therapeutic abortions, holding that its provisions were a breach of the right to security of the person as set out in the Canadian Charter of Rights and Freedoms. New abortion legislation had recently been tabled in Parliament, under which abortion would be considered a medical decision to be made by a woman and her doctor on the basis of broadly defined health grounds. The Canadian Government was exploring issues related to reproductive technology through the Royal Commission of Inquiry into New Reproductive Technologies, which was mandated to recommend relevant policies and safeguards.

12. One of the most widely discussed and troubling issues facing Canada was the tragic and continuing problem of violence against women and children. In June 1988, the Federal Government had announced new measures to combat family violence in both the immediate and long terms. Between 1988 and 1992, $Can 40 million was to be allocated for prevention and protection mechanisms, and the federal Government was working with provincial and territorial governments and the non-governmental sector to develop a comprehensive national strategy, to be completed during the current year. In conclusion, the questions raised in connection with Canada's second periodic report by the pre-session working group would be taken up in detail by Ms. Kay Stanley, the Co-ordinator for Status of Women Canada.

13. Ms. Guan Mingjun, Vice-Chairperson, took the Chair.

14. Ms. STANLEY (Canada) drew attention to the questions contained in annex I to document CEDAW/C/CRP.12. Under the heading "General questions", more information had been sought about the work of a number of Canadian agencies. The Office of the Prevention of Family Violence in Alberta existed to provide support and leadership in developing an effective approach to the problem of family violence in that province. To that end, the Office had co-ordinated a number of initiatives in recent years, including a public awareness campaign on abuse of children and the elderly, the production in various foreign languages of a brochure for immigrant women on wife abuse and the funding of shelters for battered women, as well as conferences, research projects and treatment programmes.

15. The Advisory Committee on Women's Education Issues, established by the New Brunswick Department of Education, was designed to encourage women teachers to work towards the New Brunswick principal's certificate and had offered seminars to encourage women to seek career advancement in the field of education. Composed of individuals from the field of education, the Advisory Committee had succeeded in attracting a large number of members-at-large from among New Brunswick women. The Advisory Committee's policy on "all-inclusive language" had become standard for all government departments in New Brunswick.

16. The Nova Scotia Family Life Task Force, appointed in 1984, had developed a curriculum appropriate for students in grades 7-9 (ages 12-15). The programme,

(Ms. Stanley, Canada)

taught in a co-educational setting, would become compulsory for all students by September 1990 and dealt with stereotyping, prejudice and discrimination, sexual attitudes, exploitation, career and life-style exploration and family conflict. Parental involvement and feedback were important components of the programme, which had received a positive response thus far from all concerned.

17. Information about the reproductive health programme in Manitoba was contained in paragraph 246 of the report. Lastly, the Task Force on Day Care for Children in Quebec, established by the Quebec Council of Ministers on 3 December 1986, had formulated a policy statement on child-care services that had led to the establishment of a Parliamentary Commission on the subject. As a result of the Task Force's efforts, child-care legislation had been modified and budgetary allocations had been earmarked for staff training.

18. The updated statistics requested by the Committee would appear in Canada's third periodic report, to be submitted to the Committee in 1991.

19. The Canadian Government had taken note of the request to have information grouped by articles of the Convention, as in the initial report, rather than by province, as in the current report.

20. All levels of government in Canada were in constant contact with non-governmental organizations, whose views were thus taken into consideration in the preparation of reports. Moreover, non-governmental organizations were an integral part of Canada's national machinery for the advancement of women and maintained an active dialogue with all levels of government on the implementation of the Convention.

21. The Committee had asked whether steps had been taken to publicize the Convention in Canada. The text of the Convention had first been printed and widely disseminated in 1980 and had subsequently been reprinted for ongoing distribution. The text of the Convention was appended to Canada's report to the Committee, which was also extensively distributed throughout the country. A copy of the Convention had been included in a community development kit prepared in connection with the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, and references were frequently made to the Convention in fact sheets issued as a follow up to the Conference. The text of the Convention had also been made available to women's organizations throughout the country, and government funding was available for projects by women's groups which included studies and public education regarding the Convention. Lastly, in December 1989, the Federal Minister Responsible for the Status of Women had spoken in the House of Commons to mark the tenth anniversary of the adoption of the Convention, and copies of materials on women prepared by the United Nations Secretariat had been distributed.

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Article 2

22. Regarding the principal decisions of the Supreme Court under the Canadian Charter of Rights and Freedoms which were relevant to discrimination against women and the interpretation of the Convention, she referred to the general remarks made on the subject by Mr. Fortier. It should be noted in addition, however, that the Supreme Court had held that the scope of section 15 of the Charter was not confined to the grounds expressly enumerated therein, such as gender but, by analogy, could be extended to other personal characteristics, especially where those were associated with the situation of disadvantage. In several cases in the lower courts, it had been decided that marital and family status fell within the scope of section 15, even though they were not expressly enumerated therein. That position ensured the implementation of article 1 of the Convention, which prohibited discrimination against women on the basis of their marital status.

23. However, it was not only section 15 of the Charter that upheld women's interests. Section 7 guaranteed the right to life, liberty and security of the person, and had been used by the Supreme Court in striking down the therapeutic abortion privileges of the Criminal Code. In the Court's views, delays in obtaining abortions and unequal access to abortions resulting from those provisions constituted a breach of that section of the Charter.

24. As indicated in the report, international conventions ratified by Canada did not automatically become part of national law; nevertheless, the Supreme Court had recently held that such instruments were relevant to the interpretation of the Charter and that provisions of the Charter should not be interpreted more narrowly than analogous provisions in human rights instruments ratified by Canada.

25. The Committee had asked whether laws regarding human rights and equal opportunities applied equally to immigrant women, Indians and Eskimos, the last of whom were currently referred to in Canada as Inuit persons. While certain rights specified in the Canadian Charter of Rights and Freedoms were guaranteed only to Canadian citizens, most rights were guaranteed to all persons in Canada. The Canadian Human Rights Act, which prohibited discrimination on many grounds including race, national or ethnic origin and colour, served as a basis for the protection of Indian, Inuit and immigrant women against discrimination.

26. The Committee had also asked for more information about Bill C-15, which had in fact entered into force on 1 January 1988. In addition, a special adviser on child sexual abuse had conducted extensive consultations with provincial and municipal governments and with the private sector and non-governmental organizations, and would be submitting a report on that subject to the Minister of Health and Welfare.

27. The Statute Law (Canadian Charter of Rights and Freedoms) Amendment Act required the Federal Minister of Justice to examine all legislation to ensure that it was consistent with the Charter, and to report any inconsistencies to the House of Commons. Since the Charter was an important means of implementing the Convention in Canada, that requirement helped to ensure that legislation was consistent with that instrument as well.

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28. The amendments to the Criminal Code concerning abortion had been designed to balance the State's interest in protecting the foetus and women's constitutional right to an abortion. The proposed legislation prohibited abortion unless performed by or under the direction of a medical practitioner. The Government believed that the criminalization of abortions that did not meet those conditions was not a violation of article 2 (g) of the Convention.

Article 3

29. The Aboriginal Women's Programme of the Native Citizens Directorate, with a 1989-1990 budget of over $2 million, was mandated to enhance, promote and foster the social, cultural, economic and political well-being of Aboriginal women. A number of activities designed to promote opportunities for Indian women were being implemented. Among them were: conferences on the economic and social development of Native women; employment and training programmes; special educational opportunities for Native students; funding for Native women's organizations; and support for Native women to set up small businesses.

30. Aboriginal women were not fully involved in the economic and political life of the country. However, they were becoming increasingly active in political organizations which represented their interests at the local, territorial and national levels. Aboriginal women were represented on negotiating teams for land claims and on advisory committees concerned with economic development strategies. At the territorial level, a number of Aboriginal women had held or currently held ministerial positions. There was one Aboriginal female Member of the House of Commons.

31. With regard to the immigration policy guidelines referred to in paragraph 158 of the report, there was a popular misconception that immigrant women were subject to automatic deportation if they left their sponsoring spouse, even in situations of violence and abuse. Leaving a spouse was never sufficient grounds for deportation. Immigrants had the same protection as Canadian citizens under the Charter of Rights and Freedoms and the Criminal Code.

Article 4

32. Paragraphs 88 and 89 of the report provided detailed information on affirmative action programmes, which had been implemented through the Employment Equity Act and the Federal Contractors' Programme. The achievements of those programmes included: an increase in the representation of designated groups in several occupational categories; an increase in promotions for women; and increases in each designated group in the number of persons hired for full-time employment. In addition, more than 1,200 employers had signed a certificate of commitment to implement employment equity.

33. The Women's Career Counselling and Referral Bureau of the Public Service had had a positive impact on the mobility of women within the Public Service and had made progress in achieving its goals. Despite an overall decrease in the number of Public Service employees, there had been an increase in the percentage of women. The Bureau's mandate had been extended until 1993.

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Article 5

34. With respect to Bill C-114, the Minister of Justice had introduced a similar bill, Bill C-54, in the House of Commons in 1987. Like Bill C-114, the proposed bill would replace current obscenity laws with new provisions prohibiting all pornography involving children or containing violent or degrading material. In addition, the proposed legislation would place tighter controls on other forms of sexually explicit material, would add sex to the list of identifiable groups against which hate propaganda was prohibited, and would distinguish between "erotica" and "pornography". Although the bill was no longer before the House of Commons, the Minister of Justice had announced his intention to re-introduce it.

35. Canada was still striving to eliminate stereotypical attitudes that continued to hinder the advancement of women. Such obstacles included the assumptions that women should have primary responsibility for child care and homemaking and that there were certain types of employment which were not open to women. Furthermore, the sexual role of women continued to be over-emphasized.

Article 6

36. With respect to paragraph 103 of the report, Bill C-15, dealing with juvenile prostitutes, had entered into force on 1 January 1988.

Article 7

37. Since the initial report, there had been a slow but steady increase in the percentage of women in Parliament, in the Government, in public office and in the judicial system. The percentage of women in the House of Commons had increased from 5.7 per cent in 1983 to 13.2 per cent in 1990. In the judiciary, women had held 6.3 per cent of federal appointments in 1986 as compared with 8.5 per cent in 1989. The number of women appointed to positions as ambassadors, high commissioners and consuls-general had increased from 2 to 11 over the past five years.

38. There were no plans to introduce a quota system to ensure a minimum number of places for women in the legislature. The main political parties in Canada had taken steps to ensure that women were well represented at party conferences, conventions and at the executive level. Delegate selection procedures ensured that 50 per cent of the delegates to major political conventions were female. Since political candidates were selected at the constituency level, it was difficult for political parties to influence candidate selection. Women's political action was therefore focused on local constituencies in order to support female candidates during the selection process.

39. The National Organization of Immigrant and Visible Minority Women represented the first united voice on issues such as language training, immigration policy, social services and race relations. It had served as a catalyst for immigration, minority and women's groups to work together in presenting briefs to the federal Government. It also worked with public and private agencies to develop effective strategies.

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40. In order to involve women in the political process, mainstream political parties had instituted special programmes, including political skills training, candidates' schools, mentorship programmes and parliamentary interns programmes. The parties had taken special measures to ensure that females were represented on executive, campaign and convention committees. At the national level, political fund-raising was targeted to the particular needs of women candidates.

Article 8

41. With a view to ensuring better representation of women in international organizations, her country utilized a co-ordinated federal government approach by which qualified candidates were matched to vacancies in international organizations. Whenever appropriate, formal government endorsement was given to chosen candidates and, for senior-level appointments, the Government might carry out an active international campaign in support of a candidate. Canada had been a persistent advocate of increased recruitment of women throughout the United Nations system. Recent achievements included the appointment of senior Canadian women to head the United Nations Department of Information and UNIFEM.

Article 10

42. Although the main legislative authority for education had been delegated to the provinces and territories, the federal Government too had been involved in a number of activities to encourage equality in education. The provinces and territories had undertaken several initiatives, including public awareness activities, role modelling programmes, conferences, curriculum changes, and the monitoring of educational materials for gender stereotypes. Government at all levels had taken measures to increase the participation of females in such fields as science and mathematics and to encourage women to enter non-traditional fields. Of particular note was the Canada Scholarship Programme, which offered scholarships in the natural sciences and engineering; 50 per cent of those scholarships were for women.

Article 11

43. Several provinces in Canada had adopted new Pay Equity Acts. Using a pro-action rather than a complaints-based approach, all of those acts had been drafted after Canada's ratification of the Convention and following adoption of the standards of equal pay for work of equal value outlined in it. Under the guidelines for establishing pay equity recommended by the Canadian Human Rights Commission, the assessment of equal value was based on a composite of skill, effort, responsibility and working conditions. Comparisons could be made among all employees who were subject to common personnel and wage policies. The undertaking of gender-neutral evaluations of jobs dominated by one sex was an important goal which required continuing refinement.

44. In Canada, the wage discrepancy between men and women was a matter of continuing concern. The federal Government had established employment equity and pay equity policies and programmes within the Public Service. For other employers,

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the Government took pay equity cases into consideration on a complaint basis. The provincial and territorial governments had implemented employment equity measures to ensure women equal access to opportunities in the workplace. The Canadian Labour Congress (CLC) and its provincial labour federations had adopted comprehensive affirmative action policies and had encouraged CLC affiliates to negotiate provisions to close the wage gap.

45. Child-care places were subsidized through the Canada Assistance Plan, under which the federal Government shared the cost with provincial and territorial governments on a 50-50 basis. Since 1985, full-time day-care places across Canada had increased almost threefold. Provinces and territories had ultimate jurisdictional responsibility for the provision, design and administration of their own child-care systems. Preliminary information suggested that the need for child care and the extent to which those needs were being met varied greatly, depending upon the age range of the children.

46. The wages and working conditions of child-care workers varied across the country. In the light of the responsibilities involved, wages were low. Furthermore, current pay equity legislation did not cover child-care workers. The current situation was cause for concern, and more details would be provided in the next report.

47. A general review of the labour standards provisions of part II of the Canada Labour Code was under way. Under the current policy, about 70 to 75 per cent of part-time workers were eligible for unemployment insurance benefits. Expansion of coverage to other groups, such as students and occasional workers, did not have broad support. Some provincial jurisdictions had implemented legislative and regulatory changes to ensure equal treatment for part-time and full-time employees.

48. The pension system in Canada included both public and private provisions in addition to the Old Age Security Programme, which was universal and non-contributory. The public pension plan, to which contributions were mandatory, covered virtually all employed and self-employed women and men between 18 and 70 years of age. Only 37 per cent of employed females, as compared with 52.3 per cent of employed males, were covered by employer-sponsored plans, a ratio that had improved over the past decade as employers had begun to provide a fuller range of benefits. Canada also offered plans that encouraged saving for retirement through tax breaks; approximately 19 per cent of all individuals filing tax returns contributed to those plans.

49. The principle of equal pay for work of equal value was being applied in the federal Public Service. A detailed study of jobs within the Public Service had been carried out to determine whether any of the female-dominated categories had been underpaid by comparison with male-dominated categories. In January 1990, equal pay adjustments had been announced which would affect some 68,000 public servants, most of them women.

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Article 12

50. In November 1989, Bill C-43 on abortion had been introduced in the House of Commons. It was currently before a legislative committee and had not yet become law. The bill established that the decision to have an abortion was a medical decision to be made between a woman and her doctor. It affirmed a woman's entitlement to abortion on health grounds, understood as including physical, mental and psychological health.

51. In January 1988, the Supreme Court of Canada had struck down the Criminal Code provisions concerning abortion. No significant change in the abortion rate had been observed between January and May 1988. Some Canadian women did travel out of the country for abortions. According to the most recent data, in 1986 approximately 2,612 Canadian women had received abortions in the United States.

52. With respect to maternal mortality rates, the following statistics were available: in 1983, the death rate had been 5.35 maternal deaths per 100,000 live births and in 1987 the rate had been 2.97 deaths per 100,000 live births.

53. As of January 1990, 189 adult female AIDS cases had been reported, representing 5.4 per cent of the total adult AIDS cases in Canada. A designated officer within the Information and Education Bureau of the Federal Centre for AIDS would be developing AIDS education programmes for women. Within the provinces with high rates of AIDS, programmes included a task force on women and AIDS; care-giving for women with AIDS; and support groups for women with AIDS.

54. The National Health Research and Development Programme of Health and Welfare Canada had to date committed over $3 million in funding for research on women and AIDS. At a 1988 ministerial-level conference, it had been agreed that human rights officials should stay informed about the human rights implications of medical/legal issues, including AIDS testing and medical research involving human beings.

Article 11

55. A number of child benefits were available to all parents, based on their income. Assistance for low-income families focused primarily on such basic needs as shelter, utilities, food and clothing. Provincial governments were responsible for providing and delivering social assistance, for which the federal Government shared 50 per cent of the cost. In September 1985, ministers responsible for social services and labour market matters had agreed on a seven-point strategy to help social assistance recipients (SAR) achieve greater self-sufficiency. The programme provided training allowances and dependant care allowances, the latter being particularly beneficial for single-parent mothers. Single mothers received tax assistance in the form of an increased tax credit for one child and tax exemptions for unreimbursed child-care expenses incurred during periods of employment, occupational training or grant-supported research.

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56. With respect to the minimum age for marriage, provisional laws governing the age at which marriage licences could be issued generally treated men and women on an equal basis.

Article 16

57. With a view to the enforcement of child support provisions, the federal Government had enacted in 1984 the Garnishment, Attachment and Pension Diversion Act, which allowed federal employees' salaries to be garnished. In 1985, the federal Government had provided over $1 million in assistance to the provinces and territories to assist in establishing or enhancing their automatic enforcement agencies. The following year, the federal Government had adopted the Family Orders and Agreements Enforcement Assistance Act to assist provincial enforcement agencies in tracing delinquent debtors and to permit federal monies to be garnished. The enforcement of maintenance and child support payments was exclusively within provincial jurisdiction.

58. Garnishment proceedings were applicable to all persons through normal court proceedings. Garnishing of wages for maintenance payments was not restricted to public servants. Public servants had in the past been protected against garnishment proceedings, and the law referred to in paragraph 155 of the report had been enacted in order to do away with that protection.

59. According to reports submitted in 1984 and 1986 by the Intergovernmental Working Group on Wife Battering, progress had clearly been made in addressing family violence. In June 1988, the Federal Minister of Health and Welfare and the Minister Responsible for the Status of Women had announced a $40 million family violence initiative.

60. A recent Canadian study on violence against women had shown the following: each year, 1 million Canadian women were abused by their husbands or live-in partners; 15 per cent of homicides were committed against women by their husbands, as compared with 6 per cent of homicides committed against men by their wives; and 56 per cent of urban women felt unsafe walking alone in their neighbourhoods after dark. A study recently published in the province of Ontario had stated that 8 out of 10 Indian and Metis women had suffered some form of abuse, mainly by their spouses. Those disturbing statistics lent support to the Government's plan for continuing comprehensive action on that problem and also reflected improved methods of reporting on those conditions.

61. Some provincial governments had embarked on extensive public awareness campaigns on the issue of wife battering. In co-operation with universities and the private and voluntary sectors, the British Columbia Institute on Family Violence had been established to develop a co-ordinated approach to the investigation and treatment of family violence. The networks of shelters and safehouses for victims of violence had continued to grow, with the assistance of government funding and support from the private and voluntary sectors.

62. Ms. Evatt, Chairperson, resumed the Chair.

63. The CHAIRPERSON, in her personal capacity, said that, since ratifying the Convention, Canada had made considerable improvements in the status of women. The size of the Canadian delegation, in addition to the comprehensive responses to the Committee's questions, demonstrated clearly Canada's strong commitment to implementing the provisions of the Convention. Naturally, much work remained to be done.

64. In its recent presentation, the United Kingdom delegation had drawn attention to the fact that its report incorporated comments and observations made during seminars held with non-governmental organizations concerned with women's issues. Further meetings of that type were planned in order to present the results of the Committee's consideration of that country's report to women in the United Kingdom. She wondered whether the Canadian Government would consider holding similar seminars.

65. Ms. BERNARD said that she was heartened by Canada's second periodic report. The national Court Challenges Programme was particularly noteworthy. As pointed out in the introductory statement to the report, the key to implementing the Convention was the ability of individuals to bring matters to court. It was also encouraging that the Canadian Supreme Court was taking a more liberal approach to human rights issues, a trend which was being seen in many countries.

66. Since its initial report, Canada had witnessed an increase in the number of women in its labour force. She was certain that efforts were being made to encourage women to move into non-traditional professions. The enactment of the Employment Equity Act was commendable, since it seemed to be correcting the inequalities between men and women.

67. It was also significant that three women now sat on the Canadian Supreme Court, and she hoped that that number would double by the time of the next report. Canada was to be commended for seeking solutions to the problem of violence against women through a large federal budget allocation. She appreciated the fact that attention was being focused on elderly women, who were a particularly disadvantaged group.

68. Ms. ALFONSIN DE FASAN said that the Convention should be disseminated as widely as possible in order to increase respect and tolerance between the sexes. The Nova Scotia programme was very encouraging and should be extended to the other provinces.

69. Ms. LAIOU-ANTONIOU said that Canada was extremely advanced in the struggle to promote equality between men and women, and she wondered why. Was it because of government decisions, a strong women's movement, the country's economic situation, the pressure of minorities, or all of those reasons? Was women's equality promoted together with such other human rights issues as the problems of minorities?

70. Women in Canada had a high level of participation in employment, but 72 per cent worked part time and mainly in traditionally female jobs. More women university students than men were part-time students, and they gravitated towards traditional women's subjects. Despite the existence of family planning, abortion

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was not free. She wondered why the social services for small children were so inadequate. Was it a question of money? She further noted that women were underrepresented in the judiciary, which contrasted with Europe, where the courts had become feminized.

71. Ms. DIALLO SOUMARE commended Canada for being at the forefront of women's struggle for equality and thanked it for the help it had given her own country's rural women.

72. Ms. FORDE said she would like more information on the composition of the Royal Commission on Reproductive Technologies. Was it broad-based? Were Indian women represented on it? She would appreciate a detailed description.

73. In connection with article 2 of the Convention, she wondered whether women's organizations had been consulted in formulating Canada's policy on the termination of pregnancy and whether any discrimination was involved in the policy. Since Canada was bilingual, she wondered whether Aboriginal women had to be bilingual in order to advance in society. In connection with article 16, she asked whether age equality for marriage had been established in all of Canada's provinces.

74. Ms. GUAN Mingjian was pleased that the Canadian Government was concerned about the problem of violence against women and hoped that it would be successful in combating it. She hoped that Canada's next report would also provide information about the elderly population, which had a high percentage of women with special health and other problems.

75. Ms. PILATAXI DE ARENAS asked whether there was any official system for the appointment of women to official bodies and whether there was any discrimination in that area. The number of child-care centres in Canada was very low and inadequate to the needs of working women. She welcomed the concern expressed over violence against women and asked for more information about Canada's approach to the problem of elderly women.

76. Ms. SAJOGYO noted that the participation of women in employment was very high and wondered whether any studies had been made on the distribution of labour and decision-making between husbands and wives.

77. Ms. SCHOPP-SCHILLING wondered whether women's progress in human rights had met with increasing opposition. Was there opposition to affirmative action plans, or were there accusations of reverse discrimination? What were the targets and criteria set for affirmative action plans? She would like more information about the women's bodies in government ministries. Were they advisory or decision-making? Was legislation reviewed in terms of its impact on women? What guidelines governed the handling of the problem of equal pay for equal work? She would appreciate information on which employment sectors were male-dominated and which were female-dominated.

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78. Ms. BUSTELO GARCIA del REAL said she would appreciate more information concerning the distribution of family responsibilities and tasks at a time when women were achieving greater equality. She also wondered whether that increasing equality was perceived as positive by both men and women.

79. Ms. MALLA-TCHUNGAI said that the minimum age for marriage in Canada was both medically and psychologically inadvisable and asked whether there were plans for it to be raised.

80. Ms. FACOBAR asked for specific evidence of how enterprises implemented equality in the work place. In connection with article 6, she wondered whether the judicial procedures in cases of adultery were the same for men and women. She also wondered why domestic employees had low rates of pay in Newfoundland.

81. Ms. ILIĆ commended the fact that the report was used as a guide for action in Canada itself and was not just for the benefit of the Committee.

82. Ms. UKEJE commended the progress that Canadian women had made in the upper ranks of the judiciary as a result of a breakdown of sex stereotypes.

83. Ms. TALLAMY asked whether Canada had any plans to share its success in promoting the advancement of women by providing help to the least developed countries.

84. Ms. CORTI, noting that her own country had adopted legislation requiring that any aid granted to developing countries must include an element intended exclusively for women, asked whether Canada had made similar provisions.

85. The CHAIRPERSON requested further clarification of the different approaches adopted to ensure equal pay in Canada's federal and provincial governments and asked whether the recent change in the federal system represented the end of a process or required further refinement. She also wondered whether the provision of child care might be restored to the level of priority it had enjoyed prior to the most recent two-year period.

86. Mr. FORTIER (Canada), noting comments on the size of his country's delegation, said that the compilation of its report and the provision of answers to questions would have been impossible without the expert assistance of representatives of the provincial and federal governments. He himself, as Permanent Representative of his country to the United Nations, had always attached particular importance to social questions and human rights and was pleased to note the positive response to his attendance of the Committee's deliberations. As for the secret of his country's success, he felt that it was due both to the strength of its feminist movement and to the political will of its leaders, supported and assisted by individuals in many different areas of activity. His Government was conscious that imperfections persisted and that further solutions needed to be sought, but its commitment to all the objectives set forth in the Convention remained absolute.

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87. Ms. STANLEY (Canada), replying to the more detailed questions posed by members of the Committee, said that her Government intended to distribute a report on the Committee's session and other related materials to women's organisations throughout the country, to complement the regular consultations which it held with such organisations.

88. With respect to elderly women, there was in her country a Minister of State for Seniors and a secretariat which ensured that Government policies took account of their specific needs. She noted the comment that insufficient attention had been devoted in her country's report, to the position of elderly women and would ensure that the subject was properly addressed in the future. As requested, further information on the Nova Scotia programme would also be included in the next report.

89. There were many reasons why her country had made so much progress in advancing the status of women. A well-defined machinery was in place at both the national and the provincial levels, and the Government was continuing to fund over 600 women's organisations across the country to assist in pressing for women's rights. In economic terms, business, labour and Government were all aware that a skilled work-force required inputs from both men and women. The presence of so many cultures in one country also had a catalytic effect. All those involved were well aware that collective efforts would yield the best results. The reasons for shortcomings in services for children were both economic and social. While society was only just beginning to understand the value of children, there was at the same time no consensus in the country on the role of the State in the provision of child care. It appeared, however, that a strategy would be completed before the end of the current Government's mandate. Furthermore, the figures probably failed to indicate the extent of informal child care that was also available.

90. The statistical document Women in Canada would be provided to all members of the Committee. Although the Royal Commission on Reproductive Technologies, which comprised six Canadian experts in various fields, did not include any representative of Aboriginal women, it was supposed to travel widely and receive submissions from many interested groups. With regard to legislation on abortion, no subject could be more divisive. While the majority appeared to support women's right to choose, opinion was evenly divided on the need for legislation. The Government's bill was an attempt to balance very disparate interests.

91. While it was true that Aboriginal women had to be proficient in either English or French if they were to engage in public activities, a number of programmes were in place for the purpose of maintaining native languages. The minimum age for marriage was subject to provincial legislation, but there was now a trend towards the establishment of a uniform threshold, for both men and women, around the age of 18.

92. With regard to materials concerning violence against women, her country's National Film Board had a special section for films made and produced exclusively by women, which enjoyed an excellent reputation.

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93. Efforts to ensure that women were well represented at the highest decision-making levels were co-ordinated by an office within the Office of the Prime Minister called the Secretariat for Appointments. Names were forwarded to the Secretariat by women's organizations, and any appointment lists without women candidates were denied consideration.

94. The division of labour in the home was a major issue in her country. According to studies, a woman with no outside employment received an average of 10 hours' family-related assistance each week from her spouse while a woman with full-time outside employment received 11 hours' such assistance. A number of women were thus doubly burdened, or triply burdened if they were raising children. It was unrealistic, in the context of her country, to expect any assistance from an extended family.

95. In terms of obstacles to the advancement of women, it was indeed difficult to change some people's attitudes and to adapt structures designed by men for men. While opposition had not increased, it had perhaps become better organized. There was, however, no opposition to affirmative action plans, which were enshrined in law. Institutional machinery to promote women's rights was of both an integrated and an advisory nature.

96. In view of the limited time available, she suggested that all remaining questions be answered in writing.

97. Mr. FORTIER (Canada) assured members of the Committee that his Government would continue its efforts to implement all the provisions of the Convention.

98. The CHAIRPERSON, noting the areas in which the delegation of Canada had promised to strive for further progress, urged that it also reiterate its recommendations for women to assume a leading role in the United Nations.

The meeting rose at 1 p.m.